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(Im)Partiality, Compassion, and Cross-Cultural Change: Re-Envisioning Political Decision-Making and Free Expression

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ABSTRACT

Past justifications of free expression rely on the crucial role speech plays in deliberative democracies and respecting persons. Beneath each of these justifications lies the common goal of creating greater justice for individuals and groups. Yet 20th century political liberalism limits the kinds of arguments that ought to motivate political decisions. In this paper I explore how an inclusive political decision-making process can bring about a more just world. By relying on personal views and compassion rather than impartiality and reasonability, political actors can engage in a discourse that results in greater understanding among persons and lasting community change.

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And, of course, my mother. Thanks, Mom.

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Introduction

god help me im throwing my neighbor off a building

- S. Roggenbuck

Fall of my freshman year at Macalester College my class had the honor of having a world-class humanitarian speak at our convocation. I don't remember a word of what he said. What I do remember from that crisp September evening is a speech given by then student body President Owen Truesdell. Just returning to campus from a semester abroad, Truesdell spent the previous year meeting new people and working to stay in touch with a group of friends scattered across the globe. With that experience fresh on his mind, Truesdell delivered a speech on the meaning of global citizenship—a topic frequently discussed at Macalester. 'Macalester tries to make us good communicators,' Truesdell said, 'and for the most part, they succeed. While I was abroad I spoke to people from other cultures, countries, and communities with ease. But when it came to talking to the other American students on my program, I struggled.'

Truesdell's speech went on to question whether Macalester's attempt to create good communicators is successful. Though Macalester teaches students to communicate with people from a wide range of backgrounds, Truesdell claimed, the same care is not taken to ensure students graduate with the ability to engage with people whose viewpoints do not accord with their own. Instead, Truesdell, and others like him, graduate into a world where they do not possess the skills to have meaningful conversations with people who adhere to disparate ideologies.

What follows is not a critique of Macalester College or its educational environment. Yet Macalester's primacy in shaping my experiences over the past four years prompted me to use the college in examples sprinkled throughout this paper. Macalester's tendency to produce individuals who might only see a specific subset of ideologies as attention-worthy in political discourse reflects a broader theme in political liberalism—a theme central to this paper. Political liberalism, as characterized by John Rawls, divides political ideologies into two categories: reasonable and unreasonable. While various reasonable views are seen as valuable in political discourse and decision-making processes, unreasonable views ought to be disregarded in these contexts.

Upon first glance, this dichotomy between reasonable and unreasonable views seems constructive. Our intuition might tell us that only reasonable views provide normatively valuable political reasons. But what does it mean for something to be reasonable? And where, exactly, might this intuition come from?

Though separating reasonable arguments from unreasonable ones may seem intuitive, I claim Rawlsian reasonability stifles our ability to bring about a more just world. To defend this view, I begin by addressing John Rawls's conception of reasonability. Here I work within Rawls's ideal theory to illustrate how political reasonability, as a constraint on political decision-making, is not sufficient to bring about adequately just outcomes. I then critique reasonable public spheres as alienating and ineffective in fostering genuine understanding among citizens—even reasonable ones. Next I draw on alternate paradigms of discourse and decision-making that might be used in lieu of Rawls's reasonable public sphere and how we might decide what is just within

alternate paradigms. I build on these models by asserting that political actors ought to reason with each other on the basis of personal views and compassion rather than attempting to be impartial.

Ultimately I conclude that we ought to strive for a public political sphere that eliminates Rawls's dichotomy between reasonable and unreasonable views. An uninhibited public sphere, I claim, allows for greater respect and understanding among persons. Respectful deliberation allows all involved persons to feel valued and heard while laying the groundwork for effective cross-cultural change. In this way, I claim that freely expressing one's views ought to be valued not only for its role in deliberative processes or respecting persons, but as a tool to bring about a more just world.

1. The (Im)Partiality of the Public Sphere: A Critique of Rawlsian Reasonability

MY DAY HASN'T
BEEN TOO GREAT
BUT NOW IT IS.
THE DEMOCRATS
NOW CONTROL
CONGRESS

- S. Roggenbuck

'If anyone here has religious views about the nature of evil, I'd like to hear them.' After a student in my discussion-based English class invited religious students to voice their theological opinions about our topic for the day, students coming from religious backgrounds were still reluctant to speak up. When our professor asked why they hadn't talked about their religious views before, my peers responded that they did not want to make arguments other students couldn't identify with. Rather than speak out, students with religious views censored themselves; presenting only a fraction of their thoughts for fear of putting their personal views into what they thought ought to be an impartial realm of academic discourse.

Discussions in the humanities at Macalester College are not necessarily representative of discussions that occur in the public political sphere. Yet the self-censoring that occurred in this conversation in my English class bears a striking resemblance to the manner in which proponents of political liberalism tend to distinguish attention-worthy political arguments from those we ought to ignore. If everyone can potentially identify with or affirm a position, political liberals claim it is fair game for the

public political sphere. If an argument is too personal, however, it ought not to be taken seriously in public discourse.

In this chapter I explore how the public sphere functions in Rawlsian thought. I describe how John Rawls attempts to provide for a stable, ideologically diverse politics through what he calls 'reasonable overlapping consensus'. Following this account I examine reasonability in closer detail. I question Rawls's claim that the political conception of justice and the reasonable realm it constitutes are impartial to specific conceptions of the good.[1] Following this analysis I take a closer look at the origins of Rawls's political conception of justice and what, exactly, makes it reasonable. I conclude that individuals with political power use their conceptions of the good to determine what is reasonable in a society. Due to the constitutive force of politically powerful ideologies, Rawls's political project is not impartial or non-coercive in the way he hopes. In this way, Rawls's constraints on political decision-making are not sufficient to bring about just outcomes on Rawls's own terms. Critiquing Rawls's division between reasonable and unreasonable views is the first step in my defense of an uninhibited public political sphere based on personal views and compassion rather than impartiality and reasonability.

I. RAWLSIAN JUSTICE & ITS DEMANDS ON THE PUBLIC POLITICAL SPHERE

John Rawls's political project aims to create a peaceful pluralism. But the kind of ideological pluralism Rawls envisions is not a thin conception of minor differences of

[1] In the context of this paper I use the word 'partial' to denote the presence of bias or a tendency to value one view over another. I use the word 'impartial' to refer to a lack of such bias.

opinions between individuals. In fact, Rawls wants citizens living under a just government to possess "profound and irreconcilable differences in...[their] reasonable comprehensive religious and philosophical conceptions of the world, and in their views of the moral and aesthetic values to be sought in human life" (*Restatement* 3). A Rawlsian society allows for a wide variety of conceptions of the good to flourish (*Restatement* 18, *Peoples* 55).

When Rawls discusses notions of the good in his political philosophy he refers to these views as 'comprehensive doctrines'. According to Rawls, comprehensive doctrines are "comprehensive religious, philosophical, or moral doctrines in light of which [an individual's]...ends and aims are ordered and understood" (*Restatement* 19).[2] As this quote illustrates, any philosophical or moral doctrine can be a comprehensive doctrine, from religious views to secular ones. All that is important to qualify a doctrine as comprehensive is its ability to provide a normative guide for a person's life.

To Rawls, a society that includes so many competing conceptions of the good seems prone to political instability. When formulating his conception of justice Rawls hopes to address this instability by focusing on how pluralistic societies can be both free and cooperative (*Peoples* 29). Yet Rawls is not interested in political stability at any cost. Rawls's commitment to pluralism means that Rawls is interested in political stability without ideological coercion. Rawls's aversion to ideological coercion is not limited to respect for persons' comprehensive doctrines. According to Rawls, forcing

[2] When comprehensive doctrines first appear in Rawls's work, Rawls claims they must be "comprehensive and coherent" and offer a "ranking of values" (*Liberalism* 58-9). Yet in his latest work Rawls states that comprehensive doctrines can be partial, plural, and fluid (*Restatement* 193). The less than comprehensive, changing nature of comprehensive doctrines will be taken up later in this chapter.

citizens to affirm a specific set of views will lead to widespread political unrest, unless the society is sufficiently skillful in quenching rebellion. Due to these considerations, Rawls concludes society must be "stable for the right reasons" (*Peoples* 29). By the 'right reasons' Rawls means that the stability of a just society ought to be founded on ideas that do not favor one comprehensive doctrine over another. These ideas must be able to "be publicly seen to be sound" by all citizens (*Liberalism* 162). By providing for an impartial political notion of justice Rawls hopes to avoid both political instability and undue coercion.

Rawls must create a political conception of justice that can be supported by a wide variety of comprehensive doctrines while simultaneously remaining impartial to each comprehensive doctrine. In order to do this, Rawls suggests that "in public reason comprehensive doctrines of truth or right be replaced by an idea of the politically reasonable addressed to citizens as citizens" (*Peoples* 132). Rawls asks persons to set aside the parts of their views that are not supportable by others' views when discussing political matters. Instead, persons must discuss political matters with reference to what Rawls calls the political conception of justice.

Rawls devises three criteria a political conception of justice must meet:

1. The conception's principles are limited to the basic structure of society
2. The conception can be presented independently from comprehensive doctrines of any kind
3. The conception is drawn from fundamental ideas implicit in the political culture of a constitutional regime (*Restatement* 33; *Peoples* 143)

In his work on Rawlsian public reason, Richard Amesbury succinctly describes Rawlsian justice as "tradition-impartial but not tradition-independent" (Amesbury 587). In the

above criteria Rawls largely provides for the tradition-impartial aspect of the relationship between the political and comprehensive doctrines. While comprehensive doctrines come from a specific philosophical, moral, or religious tradition, the political conception of justice can be presented independent of these traditions. Instead of relying on comprehensive doctrines or the traditions they come from, the political conception of justice originates in the fundamental political ideas of a society.

Yet the political conception of justice does not always stand on its own. If the political conception of justice is completely tradition-independent, Rawls is left without a thick, pluralistic way for citizens to endorse the political conception of justice. When Amesbury states that Rawls's political conception of justice is not tradition-independent he means that the Rawlsian notion of justice can be supported by a broad range of comprehensive doctrines. The ideas individuals express in the public political sphere must be consistent with their comprehensive doctrines, though citizens ought to discuss these ideas according to the purely political standards Rawls sets out in the passage above. By creating an impartial public political sphere Rawls hopes to solve problems stemming from open pluralism by providing for a pluralistic society that respects individual liberty and remains stable over time.

II. REASONABLE OVERLAPPING CONSENSUS

Rawls sees himself as creating a political conception of justice that can be supported by a wide variety of comprehensive doctrines. Yet Rawls realizes that not all comprehensive doctrines will be consistent with the political conception of justice. Recognizing this, Rawls distinguishes between reasonable comprehensive doctrines and

merely rational ones. In his "What is reasonableness?" James Boettcher states "reasonableness [as opposed to rationality] requires justificability from the common point of view" (614). A reasonable comprehensive doctrine can be seen to be reasonable from a wide range of other perspectives. A rational comprehensive doctrine, on the other hand, does not necessarily have any universal or commonly intelligible quality.
The difference between reasonability and rationality corresponds to Rawls's two moral powers of persons. According to Rawls, persons' capacity for a conception of justice is distinct from their capacity for a conception of the good. A person's capacity for justice "is a capacity to understand, to apply, and to act from (not merely in accordance with) the principles of political justice that specify the fair terms of cooperation" (*Restatement* 18). The reasonable capacity of a person seeks to cooperate with others under just rules that govern society, as long as others do so as well.

A person's rational capacity, on the other hand, merely compels persons to intelligently pursue their own interests in accordance with their conception of the good. In contrast with reasonableness, rationality is consistent with egoism (*Restatement* 7, "(Un)Reasonablness" 311). When a person's rational interests align with their society's fair terms of political cooperation, Rawls would call them reasonable. Rawls would also consider persons who allow their reasonable motivations to override their rational ones reasonable (*Peoples* 173). When a person's rational interests are not consistent with their society's fair terms of political cooperation, however, they are not considered reasonable on Rawls's view.

According to this interpretation, a reasonable comprehensive doctrine is one that

can support the political conception of justice. An unreasonable comprehensive doctrine, though rational, cannot support the political conception of justice. Rawls explains the difference between reasonable and unreasonable comprehensive doctrines with the following: "a *reasonable* comprehensive doctrine is one in which they [political values of justice] are not overridden; it is the unreasonable doctrines in which reasonable political values are overridden" (*Peoples* 173). Here Rawls defines a comprehensive doctrine's reasonability in terms of its subordination to the political conception of justice.[3]

Yet how do reasonable comprehensive doctrines support the political conception of justice? Recall that Rawls's political conception of justice is tradition-impartial but not tradition-independent. We have already seen that the political conception of justice must be supportable by a wide range of comprehensive doctrines. More than that, however, the political conception of justice is constituted by the common ground shared between all reasonable comprehensive doctrines. Rawls calls this common ground reasonable overlapping consensus (*Restatement* 32).

[3] Whether subordination is a satisfactory support in Rawls's framework will be taken up later in this chapter.

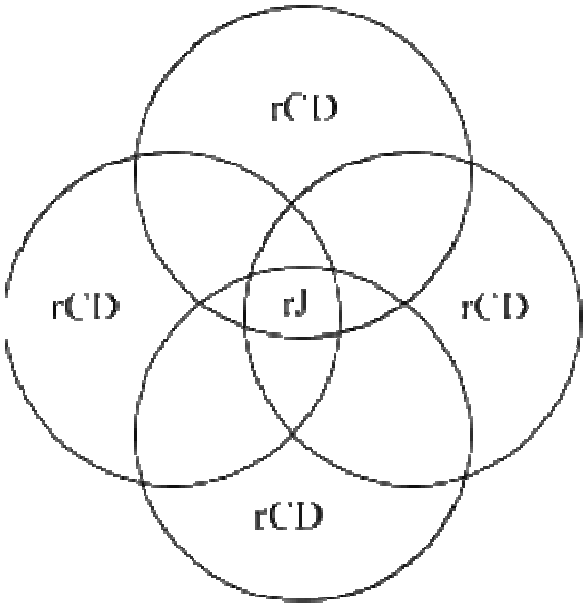

Figure 1

I imagine Rawls's idea of overlapping consensus looks like Figure 1. In Figure 1, each circle marked rCD represents a reasonable comprehensive doctrine. Each of these reasonable comprehensive doctrines are separate, though they overlap in various ways. The intersection of the circles, marked rJ, represents the political conception of justice. The shape rJ is constituted by the overlapping circles in the diagram. rJ could, however, be lifted out of Figure 1 and presented on its own. These shapes function in much the same way as Rawls's political conception of justice. The political conception of justice is supported by reasonable comprehensive doctrines, though it can also be presented independent of these doctrines. The values embodied in the political conception of justice are part of every reasonable comprehensive doctrine. In this way Rawlsian justice does not favor any one comprehensive doctrine over another and may be interpreted as impartial.

The same applies to the Rawlsian public sphere. According to Rawls, citizens ought to replace their particular conceptions of the good with an idea of the politically reasonable, addressed to citizens as citizens, when they talk about political matters. The content of the 'politically reasonable addressed to citizens as citizens' consists of the fundamental principles outlined in the political conception of justice. In the Rawlsian

public sphere, citizens can only base their reasons for, and justifications of, political arguments on these fundamental principles (*Peoples* 132). Of course citizens can privately support their political arguments through their comprehensive doctrines. But, in the public sphere, citizens can only talk about their comprehensive doctrines to express to others how their comprehensive doctrine is reasonable, or how it supports the political conception (*Peoples* 153-4). By limiting political discussions to the politically reasonable, Rawls thinks citizens can discuss politics on terms everyone can accept, preserving pluralism while avoiding instability.

Overlapping consensus also insures that citizens are not coerced into accepting the political conception of justice. Reasonable people already affirm the values embodied in the political conception of justice, so there is no reason for politicians to coerce reasonable citizens into accepting the political conception. The same applies to the public sphere. In a Rawlsian society, citizens publicly present their views in terms of the political conception of justice even if they consider other parts of their comprehensive doctrine as the 'real' reason they hold a political view (*Peoples* 176). For example, a Christian may ultimately disagree with abortion based on their particular religious beliefs. In a Rawlsian society, this individual ought to defend their view against abortion by relying on a generally acceptable principle such as persons' right to life when conversing with others in the public sphere. Yet, citizens are not coerced into presenting their political views in terms they do not agree with because they already affirm the principles of justice from within their comprehensive doctrine.

Unreasonable comprehensive doctrines do not play a part in constituting the political conception of justice and do not have a place in the public sphere. If added into Figure 1, an unreasonable comprehensive doctrine could have places of overlap with a reasonable comprehensive doctrine, or even the reasonable conception of justice. An unreasonable comprehensive doctrine could not, however, fully overlap with shape rJ, the reasonable conception of justice. For example, fundamentalist Christian views may share many ideas with the reasonable conception of justice. Yet sexist or homophobic views may prevent a fundamentalist Christian from fully supporting the political conception of justice. Rawls's rationale behind seeking to exclude unreasonable doctrines makes most sense in the context of public reason. In a Rawlsian society, unreasonable views ought not to be expressed in the public sphere due to others' inability to accept those views from within their reasonable comprehensive doctrines (*Peoples* 132).

Rawls's reasonable overlapping consensus of reasonable comprehensive doctrines plays a critical role in his philosophy. Without the reasonable overlapping consensus, Rawls cannot have both impartial respect for pluralism and non-coercive stability, each of which he sees as central to a just regime.

III. AN EXAMINATION OF REASONABILITY & (IM)PARTIALITY

Reasonability is the basis for nearly all of the significant concepts in Rawlsian justice. In "The (Un)Reasonableness of Rawlsian Rationality" (2005), Shaun Young illuminates the reasonability's centrality in Rawlsian thought with the following:

> In essence then, Rawlsian political liberalism is concerned to offer a *reasonable* public conception of justice that can accommodate the demands of *reasonable* comprehensive doctrines and *reasonable* disagreement and, subsequently, provide a basis for a

reasonable overlapping consensus on a single conception of justice to regulate society's public realm. (312)

Without a working definition of the reasonable, deciphering the substantive claims made in this synopsis of Rawls's view is absurd.

If Rawls's work is any indication, however, it may not be necessary to thoroughly define reasonability. Martha Nussbaum seems to take this view. Nussbuam, though a Rawlsian, is not troubled by reasonability's slipperiness. When it comes to the applying reasonability to comprehensive doctrines, Nussbaum states, "readers must sort this out for themselves" ("Reassessment" 7).

Taking Nussbaum's charge at face value, I attempt to sort out Rawlsian reasonability. First I try to make sense of political reasonability by unraveling the relationship between comprehensive doctrines and the political conception of justice. Next, I explore how citizens may change from unreasonable to reasonable over time. In the course of these analyses I assert that the politically reasonable is not impartial or non-coercive in the way Rawls intends. Ultimately I conclude that political reasonability is a source of unintentional hegemonic bias in Rawls's conception of justice and does not necessarily provide a strong foundation for the kind of political decision-making Rawls hopes for.

III.1 (IM)PARTIALITY & REASONABLE COMPREHENSIVE DOCTRINES

In *Political Liberalism* Rawls treated comprehensive doctrines as singular, all-encompassing notions of the good that guide individuals lives and provide them with a "ranking of values" (*Liberalism* 58-9). For example, according to this early view, an

individual's comprehensive doctrine may be some form of Christianity that gives her a conception of the good and a system of values with which to order her life. Modern people, however, tend to affirm a number of competing doctrines, not just one. For example, maybe this same person began her life with just one comprehensive doctrine—Presbyterian Christianity. Yet as she grew and went to college she encountered a number of other views she found appealing from Tibetan Buddhism to nihilism to a spiritual physiology involving tantric energy winds. All of these doctrines inform how this person might think of herself, ranks her values, and guides her life.

Rawls realized modern individuals are complex in this manner. So, in his later work, Rawls asserted that comprehensive doctrines can be partial, plural, fluid, and even contradictory. In *Justice as Fairness: A Restatement* Rawls claims: "Most people's religious, philosophical, and moral doctrines are not seen by them as fully general and comprehensive; generality and comprehensiveness admit of degree, and so does the extent to which a view is articulated and systematic" (*Restatement* 193).

Instead of one comprehensive doctrine, most people have many partially comprehensive doctrines. Some of these doctrines, such as Presbyterianism and Tibetan Buddhism in the example above, might be consistent with the fundamental principles of political reasonability. Other doctrines like nihilism and tantra might clash with the politically reasonable due to their extreme emphasis on individual persons. Rawls would consider the doctrines that align or overlap with the fundamental principles of justice reasonable, while he would consider any doctrine that does not match up with the political conception of justice unreasonable.

A charitable interpretation of Rawls indicates that only one reasonable comprehensive doctrine is necessary for an individual to participate in reasonable overlapping consensus or to offer reasonable political thoughts in the public sphere. Though a person with a mix of reasonable and unreasonable doctrines may have unreasonable thoughts or inclinations, they still have the ability to ground their conception of justice and political views in a reasonable comprehensive doctrine.

Yet in Rawls's practical theory, political reasonability does not come from overlapping consensus alone. Rather the political conception of justice, from which the politically reasonable is derived, is drawn from fundamental ideas implicit in the political culture of a constitutional regime (*Restatement* 33; *Peoples* 143). For Rawls these fundamental ideas might be concepts like fairness, equality, and basic human rights. Fundamental ideas, in turn, come from societal institutions like the constitution, Supreme Court decisions, laws, or historical texts like the Federalist Papers (*Theory* 6). From institutions and fundamental ideas, citizens come in contact with the reasonable political conception of justice by encountering it in their everyday life (*Restatement* 192). Just as the political conception of justice comes from these fundamentals, so too do citizens' affinity for them. Citizens might encounter the political conception of justice in a variety of contexts from education to taking part in the political process to other forms of socialization.

For many citizens, the political conception of justice will align well with their comprehensive doctrine or partially comprehensive doctrines. Yet for some, the political conception of justice and political reasonability will not match up with their other

doctrines at all. According to Rawls, it is possible for these individuals to affirm the political conception of justice all on its own by appreciating "the public good it accomplishes in a democratic society" (*Theory* 193). There the political conception of justices is not supported by a given person's comprehensive doctrines whatsoever. In this situation, the political conception of justice functions as a partially comprehensive doctrine.

Recall Rawls's three requirements for the political conception of justice. Recall how the political conception of justice must be able to be presented independent of comprehensive doctrines of any kind (*Restatement* 33; *Peoples* 143). Rawls's assertion that the political conception of justice must be impartial to comprehensive doctrines occurs in texts where Rawls also acknowledges the partial, fluid nature of comprehensive doctrines. Given that these two claims appear together in two separate texts, I take Rawls's claim that the political conception of justice must be able to be presented independent of comprehensive doctrines of any kind to mean that the political conception of justice must be able to be presented independent of any one partially comprehensive doctrines as well as fully comprehensive doctrines. Yet, when the political conception of justice stands on its own, it is a partially comprehensive doctrine.

In *The Law of Peoples* Rawls states: "The fact of reasonable pluralism implies that there is no such doctrine, whether fully or partially comprehensive, on which all citizens do or can agree to settle the fundamental questions of political justice" (*Peoples* 148). Rawls's assertion that citizens ought not to agree on any fully or partially comprehensive doctrine reinforces my view that the political conception of justice cannot

and ought not to be a partially comprehensive doctrine according to Rawlsian thought.[4] Here Rawls's assertion that the political conception of justice cannot be a partially comprehensive doctrine contradicts his statement that the political conception of justice can be affirmed without the support of other doctrines.

Rawls may attempt to remedy this contradiction by asserting that the political conception of justice's principles are restricted to the basic structure of society (*Restatement* 33; *Peoples* 143). However, partially comprehensive doctrines do not offer all-encompassing worldviews that provide for a complete ranking of a person's values. Given that the political conception of justice can be affirmed without the support of other doctrines, and that partially comprehensive doctrines do not necessarily provide a full ranking of a person's values, Rawls's likely assertion that the political conception of justice is too narrow to be a partially comprehensive doctrine does not resolve my objection.

If I am correct in interpreting Rawls's work as stating that the political conception of justice cannot be a partially comprehensive doctrine, my assertion that the political conception of justice can be a partially comprehensive doctrine presents a problem for Rawls. If the political conception of justice is a partially comprehensive doctrine, Rawls's notion of justice cannot be presented independent of comprehensive doctrines of any kind. Though it is not exactly clear what Rawls means by saying that the political conception of justice must have the ability to be presented independent of comprehensive

[4] The claim that the political conception of justice cannot be a partially comprehensive doctrine is central to the rest of my analysis. If the reader finds this claim unacceptable, they will likely find a great deal of what follows an unacceptable or invalid critique of Rawls's work.

doctrines of any kind, we can agree that if the political conception of justice is a partially comprehensive doctrine, it cannot be presented independent of itself. On my interpretation, Rawls has failed his own standards of impartiality: the political conception of justice is partial to a particular partially comprehensive doctrine—namely the political conception of justice itself.

III.2 (IM)PARTIALITY, COERCION & POLITICAL CULTURE

Rawls may respond to my assertion that the political conception of justice is a partially comprehensive doctrine by stating that the political conception of justice's role as a partially comprehensive doctrine is merely temporary. According to Rawls, when the political conception of justice is incompatible with a citizen's doctrines, the citizen "might very well adjust or revise the latter rather than reject the political conception" (*Restatement* 193). In fact, once a political conception gains legitimacy in a society, Rawls believes it is more likely citizens will adjust or revise their doctrines than reject the political conception (*Restatement* 193).

After a citizen's doctrines become reasonable to match the political conception of justice, their comprehensive or partially comprehensive doctrines can participate in the overlapping consensus that supports the political conception of justice. Once a citizen can participate in overlapping consensus through the support of doctrines other than the political conception of justice, the political conception of justice will merely be a portion of other reasonable doctrines. For Rawls, a person may not be reasonable until this transformation of doctrines occurs. If a person is not reasonable until they have more doctrines than the political conception of justice that support the political conception of

justice, the political conception of justice never has to be the comprehensive doctrine whose support of the political conception of justice makes a person reasonable.

Yet the political conception of justice's merely temporary function as a partially comprehensive doctrine does not change the fact that the political conception of justice can be a partially comprehensive doctrine. Moreover the reasonable-ization of a person's doctrines constitutes a subtle coercion of that person's ideologies. Citizens' doctrines become reasonable through contact with politically legitimated notions of reasonability. Recall that Rawls thinks citizens will be more likely to affirm doctrines that gain legitimacy in a society. Through this process of reasonable-ization, those with political power shape the views of the citizens they govern due to the self-legitimation that accompanies political power. Rather than an overlapping consensus of reasonable persons determining what is politically reasonable, political power structures legitimate their own conceptions of justice because they are powerful and normalized.

Rawls would likely respond that there is nothing wrong with citizens becoming more reasonable over time. For Rawls, reasonability means agreeing with his conception of justice. If subtle coercion occurs on the way to a citizen becoming reasonable, that coercion was for their own good and the good of society.

But what if the legitimate political conception of justice in a society is not a conception Rawls would consider reasonable? Imagine, for example, the Nazi regime in Germany in World War II. Rawls would doubtlessly consider Nazism unreasonable. In Nazi Germany, however, a Nazi conception of justice would be 'reasonable' in that it may be derived from the fundamental ideas of a regime based on its political culture.

One can even imagine an overlapping consensus of unreasonable doctrines that might support an unreasonable conception of justice such as Nazism. I imagine that from a Rawlsian perspective, unreasonable conceptions do not pose a problem to Rawls's view. If an unreasonable notion of reasonability gains legitimacy in a society, a reasonable person will simply reject it and remain reasonable.

Yet there is nothing to guarantee that the kind of subtle coercion that occurs when a reasonable conception of justice gains societal legitimacy will not occur when an unreasonable conception of justice is in a position of political power. Even if the Rawlsian reasonable person were to resist the subtle ideological coercion that occurs when an idea gains legitimacy in a society, they would be discouraged from expressing their dissent if the unreasonable society they lived in adhered to the idea of the Rawlsian public sphere. The reasonable person would only be encouraged to publicly express themselves on the politically unreasonable grounds designated by an unreasonable overlapping consensus. Even if the reasonable person were to express their views in an unreasonable society, they would likely be dismissed by the hegemonic majority. Rawls would certainly not approve of a society where citizens could only express themselves within the bounds of an unreasonable overlapping consensus. In an unreasonable society, Rawls would likely not advocate for a public sphere where citizens put aside their comprehensive doctrines and converse only on the basis of the politically reasonable (*Peoples* 132). Instead, Rawls would want reasonable people to express their views despite the fact that those around them might not accept their reasons to be true.

Unfortunately, there is nothing inherent in Rawls's notion of reasonability that

prevents an unreasonable conception of justice from ruling a society. Speaking in a practical sense,[5] political cultures can be unreasonable, fundamental ideas can be unreasonable, and overlapping consensus can be unreasonable. Given the lack of inherent legitimacy in Rawlsian reasonability, there is no reason why citizens ought to value putting their comprehensive doctrines aside to engage in purely 'reasonable' discourse in the public sphere. In fact, it seems that the only reason to put comprehensive doctrines aside at all is to accord with what those in power deem to be satisfactory political reasoning. Ultimately, the politically reasonable is a source of unintentional hegemonic bias rather than impartiality in Rawls's political project.

IV. POWER CONSTITUTES THE PUBLIC SPHERE

According to Rawls, public reason ought to be restricted to purely political conversations, particularly conversations between judges and politicians. Though I disagree with Rawls's restrictive view of political discourse, let us assume for the sake of argument that Rawls's exclusion of persons' comprehensive doctrines in these contexts is acceptable. On Rawls's view, "The idea of public reason does not apply to background culture with its many forms of non-public reason nor to media of any kind" (*Peoples* 134). Conceivably, if a reasonable person finds themselves in an unreasonable society they can simply speak out against political power structures in the public political sphere, gathering support and eventually overturning those in power. Restricting public reason to the basic structure of society may allow Rawls to justify public reason's exclusivity. The revolution would likely be more expedient, however, if dissenting views were seen as

[5] Dealing specifically with Rawls's more practical philosophy, not his thought experiment behind the veil of ignorance

legitimate in political conversations.

Furthermore, political notions of reasonability do not apply exclusively to political conversations. Take, for example, the scenario that opened this paper. Religious students in that classroom self-censored their views about the nature of evil because they were afraid their peers could not accept their arguments. In short, those students felt their thoughts were unreasonable in a Rawlsian sense. Evidence of the pervasive force of reasonability abounds in contemporary culture in the United States. From the courtroom to the media to the classroom, political reasonability shapes how individuals communicate with each other in all forms of public life. Just as political power gives the reasonable conception of justice legitimacy, it also legitimates what constitutes a valid form of discourse. Not only is political reasonability not necessarily reasonable, it is not necessarily political.

Social psychologist Dominic J. Packer's work substantiates these claims. According to Packer, individuals strive to behave in a way that is consistent with the ideal person in their in-group (Packer 52). Where an in-group is constituted by liberal values, individuals will likely strive to embody Rawlsian reasonability in all kinds of conversations and decision making processes, not just purely political ones. Rawlsian reasonability effects conversations that occur in a society's background political culture, not just its purely political institutions.

Reasonability's lack of inherent normative appeal and its effects on broader culture have serious implications for whether we ought to pursue a public political sphere that only values reasonable arguments. If disregarding unreasonable views is analogous

to disregarding views not supported by those in power, we ought to question reasonability as a criterion for a good political argument. Similarly, if a reasonable public political sphere discourages citizens from engaging with each other's comprehensive doctrines outside the political realm, we ought to be weary of reasonability's tendency to impede understanding among persons with disparate views. I addressed reasonability's questionable political role in this chapter. In the next two chapters I discuss how reasonability may make it harder for individuals to communicate with each other in political and apolitical contexts. I begin by exploring how two disparate viewpoints might seem similar in a Rawlsian public political sphere. I then examine the benefits of including comprehensive doctrines in the public political sphere—even asserting that unreasonable views ought to be welcomed into political decision-making processes. Yet these are not the only elements of Rawls's political project we ought to consider before rejecting reasonability. In the concluding chapters of this paper I illustrate how an inclusive public political sphere may be a more effective way of bringing about Rawls's ideal society than Rawls's own model of political discourse.

2. Lost in Translation: Communicative Problems with Impartiality

i don't care about reading a poem.
who do you think i am, robert frost?
i have never been in the woods and i hate walking

- S. Roggenbuck

In the last chapter I asserted that Rawls's political reasonability is neither necessarily reasonable nor necessarily political. My objections in the last chapter attempted to provide a critique of Rawls from within his own assumptions. I relied on Rawls's vision of the political conception of justice, public reason and partially and fully comprehensive doctrines. I illustrated that the political conception of justice can function as a partially comprehensive doctrine as Rawls defines partially comprehensive doctrines. I also explained how the political conception of justice dictates the content of public reason. Given these two assertions, public reason is not impartial to comprehensive doctrines. In fact public reason is constituted by one particular comprehensive doctrine.

Having already met Rawlsian public reason on its own terms, I now critique some of the basic assumptions that ground Rawls's political project. Recall Rawls's reasoning behind advocating for an impartial public discourse. One reason Rawls wants an impartial public political sphere is so reasonable citizens can communicate on terms they all agree to. Rawls attempts to create a common ground where citizens can express themselves in a way in which others will understand them. But, Rawls only thinks impartiality is critical in political discussions. When citizens talk about other matters, it is not as important that they converse on mutually acceptable terms.

In this chapter I explore whether we ought to continue Rawls's project of striving toward an impartial public political sphere or if we ought to discuss political fundamentals in the same way we discuss ideas in background culture. I begin by claiming that citizens engage in an act of translation when expressing themselves in a Rawlsian public political sphere. This translation presents two barriers to political discourse. First, some citizens' thoughts will be easier to translate than others, giving them a greater ability to express their views as they affirm them. Second, when a citizen expresses themselves in reasonable terms, there is a chance that parts of their views might get lost in translation. If impartial communication brushes over differences in citizens' views, it might lead to unnecessary confusion. Here I compare Rawls's 'justice as fairness' with His Holiness the 14th Dalai Lama's 'secular ethics', each of which claim to be based on values shared by a variety of comprehensive doctrines. Through this example I illustrate how communicating in terms of one comprehensive doctrine over another may lead to misunderstandings, even when persons seem to be in agreement. Next, drawing on Michael Sandel's critique of Rawls, I assert that impartiality is not a realistic or constructive expectation for persons engaged in political discourse. I conclude that we ought not continue to seek impartiality in political discourse.

For Rawls it is extremely important that political discourse be impartial in regard to particular comprehensive doctrines. On Rawls's view partiality can lead to undue coercion and political instability. Moreover Rawls values maintaining a discourse free of particular personal views as a means of preserving productive, functional discussions in the public sphere. Yet Rawls does not claim that persons express themselves without a

particular grounding, merely that they ought to express themselves in a manner all reasonable persons can relate to when discussing political matters. In order to do so, persons must engage in political discourse from within the confines of Rawlsian reasonability. For Rawls, communicating on reasonable terms doesn't mean citizens can't still ground their views in comprehensive doctrines. When citizens participate in public reason, however, Rawls claims they ought to engage in an act of translation so that all other reasonable persons can understand them. Individuals ought to translate the political views they hold on the basis of their comprehensive doctrines into the language of reasonable political discourse as defined by Rawls's political conception of justice (*Peoples* 132).

To illustrate this process, consider a group of people whose native languages differ. Let's say that one of these individual's native languages is English, one Japanese, one Swahili, one Italian. Each of these languages are unique, though some may have spaces of overlap. Now imagine that the people who speak Japanese, Swahili, and Italian also speak English as a second language. Given this information it is clear that these people ought to speak English if they hope to communicate effectively among all four of them. In fact, communication will be rather simple. The individuals whose native languages are not English will simply translate their thoughts into English before expressing them. Rawls might say these four different native language speakers are analogous to citizens who live in the same polis but don't subscribe to the same personal doctrines. Just as these different speakers ought to communicate in their common language, reasonable people with different comprehensive doctrines ought to

communicate based on overlapping consensus.

Yet just like when ideas are translated between languages, reasonable people might lose some of the content of their thoughts by expressing them reasonably. Particularly when discussing political matters, individuals from different cultural and linguistic backgrounds might be saying the same word but mean radically different things. As I am sure many readers have experienced, the same is true of persons with different comprehensive doctrines, even if they speak the same language. There is no guarantee that what a Catholic means when they say 'justice' is the same as what a Buddhist or Rawlsian or any number of other persons might mean. The same can be said of any other fundamental political term. Rawls's insistence that citizens ought to 'speak the same language' in public reason is not a guarantee that they will know what their peers are signifying when they express themselves.

Yet reasonability is more like a language game than a language. In his *Philosophical Investigations*, Ludwig Wittgenstein refers to different ways of communicating about particular topics language games (Wittgenstein 28-31). Each game has a specific set of rules speakers must know in order to effectively communicate or play the game. For example, the way a Catholic talks about religion may be a language game while the way Rawls talks about politics may be another. As such, Rawlsian reasonability asks reasonable persons to learn the language game of reasonability and play by its rules in the public political sphere. Importantly, Rawls expects persons to play by reasonability's language game at the expense of the language games they might use to describe their views in a private setting. Adding language games to the equation

only further complicates how persons communicate their thoughts in the public political sphere. When switching between language games individuals might use the same words in different ways. Though Rawls would like persons to separate the content of their thoughts according to public political and personal language games, this may not be an easy feat.

There is also a political dimension to this interaction. When it comes to the shared language or language game, in this case English, the native speaker seems to have the authority on what English words mean, or at least what they ought to mean. As the authority, the native English speaker's intentional spoken or heard meanings will likely be taken as the final meanings of the content of all three speakers' words. The relative historical political privilege an English speaker has over others further strengthens the English speaker's power over them. In fact, this power relationship likely motivated the other three people to learn English in the first place.

Similarly, a Rawlsian has the final say on what is and is not reasonable. Rawlsians, as native speakers of 'reasonability' can decide which views ought to be expressed in the public sphere and which ought to be translated first. Moreover, when considering Rawls as a historical figure, Rawls's race, gender, and position as a prominent academic in a well-developed tradition of Western political thought, all give him power akin to the native English speaker. Just as English functions as a taken for granted mode of international communication, Western conceptions of impartial political

discourse shape discourse worldwide (Patton 48).[6]

The main difference between Rawlsian public reason and the scenario described above is the number of options available to each group. While it would likely take many years for the English speaker to learn one of the languages of his peers, understanding where someone with a different comprehensive doctrine is coming from may be much simpler. Individuals with different comprehensive doctrines can state their views and how they inform their thoughts on important political questions. Though this process may still be difficult, sharing personal doctrines can be done relatively briefly. Rawls may object that introducing personal doctrines into public discourse might halt political discussion. Yet including personal doctrines in political discourse will only improve citizens' understandings of one another, even if their views are incommensurable.

I will provide another example to illustrate how confusion may result from persons' attempts at impartiality. Consider the following quotes:

> What we need today is an approach to ethics which makes no recourse to religion and can be equally acceptable to those with faith and those without.
>
> [We ought to] ground inner values...without depending on religion.

The sentiment expressed by these quotations could easily be taken from Rawls's work. Yet these quotes actually come from His Holiness the 14th Dalai Lama of Tibet's most recent book on secularism, *Beyond Religion: Ethics for a Whole World* (xii-xiv; xiv). According to the Dalai Lama, there ought to be a universal normative guide to how persons ought to act. The Dalai Lama's picture of how this normative guide might come

[6] For example, the Dalai Lama's decision to step down as the head of the Tibetan government can be interpreted as an attempt to secularize or make the Tibetan government appear more reasonable in a Rawlsian sense. More on the Dalai Lama's politics later in this chapter.

about is similar to Rawlsian overlapping consensus in that both Rawls and the Dalai Lama see their views as justifiable from a variety of acceptable perspectives (*Beyond* xii).

The Dalai Lama even comes up with two basic principles that ought to govern persons' orientations toward political conversations, much like Rawls does in *Justice As Fairness*. The two principles the Dalai Lama provides are as follows:

> The first principle is the recognition of our shared humanity and our shared aspiration to happiness and the avoidance of suffering, the second is the understanding of interdependence as a key feature of human reality, including our biological reality as social animals...Together, I believe, they constitute an adequate basis for establishing ethical awareness and the cultivation of inner values. (*Beyond* 19)

There are two ways to interpret the similarities between the Dalai Lama's ethical theory and Rawls's. The reader can interpret the Dalai Lama's views as in line with Rawls's views on secularism. Alternatively, the reader may interpret these two influential philosophers as having distinct views on how individuals ought to act in regard to public conceptions of the good. I will examine each of these interpretations in turn.

One could argue that Rawls and the Dalai Lama hold similar views about how public discourse ought to function. The Dalai Lama's two principles, avoiding suffering and interdependence, could be interpreted as analogous to Rawls's two principles of justice as explained in *Justice as Fairness: A Restatement*.

> (a) Each person has the same indefeasible claim to a fully adequate scheme of equal basic liberties, which scheme is compatible with the same scheme of liberties for all; and
> (b) Social and economic inequalities are to satisfy two conditions: first, they are to be attached to offices and positions open to all under conditions of fair equality of opportunity; and second, they are to be to the greatest benefit of the least-advantaged members of society (the difference principle). (42-3)

The Dalai Lama's notion of shared humanity might be interpreted as similar to Rawls's

claim that persons possess indefeasible claims to basic liberties. Moreover, a Rawlsian ear might hear the Dalai Lama's emphasis on interdependence as akin to Rawls's difference principle.

Assuming that the two views are similar, what would Rawls do with these similarities? Would he consider the Dalai Lama's views reasonable? The answer, I believe, is that it depends. If Rawls were presented with the above quotes and nothing else, he might be quick to embrace the Dalai Lama's views as reasonable. As Christian Rostbøll states in his work on autonomy and freedom of expression, persons tend to think they interpret another's view with respect and accuracy by following their own cultural norms, not the other's (Rostbøll 13). Rawls would also likely be very excited by any ideological similarities he saw between his views and the Dalai Lama's due to the eminence of their source. Yet if Rawls actually read *Beyond Religion* in its entirety and had any kind of basic knowledge of Tibetan Buddhism, he might be more hesitant to call the Dalai Lama's views reasonable. This brings us to the second interpretation of the Dalai Lama's views: that they do not align with Rawls's.

While the introduction to *Beyond Religion* seems very Rawlsian, the Dalai Lama goes on to explain how a number of Tibetan Buddhist concepts, including meditation and Tibetan psychology, are crucial to cultivating the right kind of conception of justice. Yet someone familiar with basic Buddhist tenets doesn't have to read *Beyond Religion* to see how a Buddhist comprehensive doctrine informs the Dalai Lama's two principles. As they are used in the quotes above, the terms 'inner values', 'aspiration', 'suffering', 'interdependence', 'awareness', and 'cultivation' all carry connotations specific to

Tibetan Buddhism and its doctrine of compassion. Even though it may seem like Rawls and the Dalai Lama are speaking the same language, they very well may not be. For example, while Rawls claims individuals ought not invoke personal doctrines when making political decisions, it is extremely unlikely that the Dalai Lama would state that members of the Central Tibetan Administration ought not refer to their Tibetan Buddhist personal doctrines in political discussions. Yet, the two could likely have a conversation using the language of Rawlsian reasonability and not even realize that they might disagree about the content of their statements.

Moreover, like the example with the native speakers of different languages, there may be a political element to the Dalai Lama's views on secularism. In fact, some commentators might draw on the Dalai Lama's devotion to the Tibetan people and abhorrence of their treatment inside Tibet to claim that the Dalai Lama's decision to secularize his thoughts and the Tibetan government may be part of an overall strategy to 'modernize' to win the favor of powerful Western nations ("Message"; "Remarks"; Sangay; "Statement").

Yet the most useful lesson we can take away from the Dalai Lama's views in *Beyond Religion* might be a more acute awareness of a thinker's inability to identify the presence of their own personal doctrines in what they consider a secular view. As a cultural American with a baseline of knowledge about Tibetan Buddhist culture and philosophy it is easy for me to identify places where the Dalai Lama invokes his Tibetan

Buddhist doctrines while attempting to present an impartial view.[7] Identifying these places in Rawls's work is far more difficult. We should attempt, however, to subject our own cultural assumptions to the same scrutiny we apply to cultural assumptions that are foreign to us.

According to Michael Sandel, Rawls's and the Dalai Lama's inability to craft an impartial public sphere is not a failing specific to them. Rather their partiality is indicative of the ineffectiveness of impartial public reason. Sandel states that Rawls's insistence that citizens sideline their comprehensive moral and religious doctrines in political contexts places an "unduly severe restriction [on citizens] that would impoverish political discourse and rule out important dimensions of public deliberation" (Sandel, 1776). For Sandel impartiality is neither sustainable nor desirable. In his critique of Rawls, Sandel states "democratic politics cannot long abide a public life as abstract and decorous, as detached from moral purposes, as Supreme court opinions are supposed to be" (Sandel 1793-4). Here Sandel is in direct dialogue with Rawls's idea that reasonability only ought to be applied to purely political settings. Yet as we saw in the last chapter, institutionally legitimized modes of discourse constitute how we gauge arguments in a wide variety of contexts. Instead of scolding Rawls and the Dalai Lama for their views' rootedness in personal doctrines, Sandel would welcome their opinions as valuable contributions to political discourse.

On Sandel's view, the content of any claim about justice is rooted so firmly in a

[7] HH the Dalai Lama's interpretation of 'secularism' may also be different than how we traditionally understand secularism in the United States. This issue will be examined later in this paper.

comprehensive doctrine that an individual cannot express their political views without explicitly invoking their personal views. If public reason must exclude views that rely on one comprehensive doctrine at the expense of others, public reason will not be discourse so much as citizens sitting around staring at one another.

But how do we avoid this? Without a common ground in which individuals can share their views, won't we just end up with a room full of blank stares anyway? In the next sections I attempt to answer this question in the negative. I begin by examining why a cultural background in the Western tradition might predispose us to find Rawlsian impartiality an intuitive way to mediate differences of opinion in the public sphere. Here I illuminate the concrete ways in which Rawlsian reasonability functions as a personal doctrine. Next I offer Indian secularism as an alternative to the Western secular paradigm. I conclude with an exploration of how a secularism more akin to India's open partiality might be practically instituted in the United States.

3. Re-Envisioning Secularism in the Public Sphere

i have read the biography of alexander graham bell,
thomas edisan, and the earl of sandwich
i have studied the titanic
and posted a widely read website on the topic
currently i am researching to write a novel about a war
between ghosts and humans.
the more i read, the more i believe in ghosts,
although, i have not had an experience with one myself

- S. Roggenbuck

It's no secret that different cultural contexts lead people to see things differently. Even when people share ideas across cultural boundaries, one group of people may pick up another's concept, story, or tradition and use it in a new way. One example of such an exchange involves an Indian fable about blind men and an elephant. In the Indian version of the story, six blind men attempt to figure out what an elephant is like. The men each come into contact with a particular part of the elephant. Because of their different perceptions, the men believe the elephant is similar to a number of disparate objects such as a spear, a pillar, a cliff, and a rope, among others. A prince watches the men quibble about the nature of the elephant, knowing all the while what the elephant is like. Only by combining their perceptions can the men begin to understand the elephant on their own. The moral of the fable is that complete knowledge comes from two sources: omniscient seers like the prince and cooperation among fallible beings (Laine 5; *Seven* 35).

In an American version, published in the early 90s, the elephant's nature is uncovered not through cooperation or the help of an outside source, but by a blind mouse

(mice are substituted for men in the American version).[8] Instead of needing to rely on cooperation this mouse, though otherwise like all the others, is able to use her own experiences paired with a bit of reason to deduce what the elephant is (*Seven* 35-39). The different endings of these two versions of the fable indicate a difference in ancient Indian and contemporary American relationships to knowledge. Ancient Indian philosophers customarily recognized the partiality of their points of view and their incomplete relationship to Truth (Laine 7). Yet contemporary Americans tend to subscribe to narratives of rugged individuals who can grasp just about anything if they are clever and work hard enough.

A Rawlsian would likely say that we ought to be like the intelligent mouse and use reason to uncover Truth through our own faculties insofar as we can. For Rawls, reason may even be like the omniscient prince. Joshua Cohen points to reason's centrality in Rawls's work in his "For A Democratic Society" (2003). Rawls's reliance on reasonability, Cohen states,

> may leave the impression that Rawls's theory of justice in some way denigrates democracy, perhaps subordinating it to a conception of justice that is defended through philosophical reasoning and is to be implemented by judges and administrators insulated from politics. (86)

By asserting that Rawls may be 'denigrating democracy', Cohen indicates that Rawlsian reasonability does not allow for democratic political discussions comprised of a truly diverse array of viewpoints. Instead, Cohen claims, Rawls advocates for a kind of public reason that "subordinates citizens to philosophers" who attempt to rely on pure reason

[8] The mouse also so happens to be the only white mouse in this version of the story, but that is a topic for a different paper.

alone in their political arguments (Cohen 121). The force of Cohen's claim is particularly strong here due to its implication that Rawls's reasonable people may resemble Platonic philosopher kings ruling over subjects with inferior capacities of reason.

Cohen may be on to something here. Though I would not go so far as to say that Rawls advocates a Platonic Republic, Rawls's reasoning might mirror Plato's in important ways. In Book VI of *The Republic* Plato defines philosophers as 'wisdom-lovers', stating that only philosophers can see things as they are. According to Plato, the unique relationship philosophers have with knowledge makes them the best rulers for his ideal state (Plato 91-2, 175-189). Reasonable people and philosopher kings are the only citizens whose opinions ought to be taken seriously in Rawls's and Plato's respective forms of political discourse. Like philosopher kings, reasonable people have a unique aptitude for making decisions about political matters.

While philosopher kings are just flat out smarter and more educated than their subjects, a reasonable person's right to rule comes from their ability to set aside their personal doctrines in political contexts. In the previous chapter I argued that separating personal and political doctrines in political discourse may not be helpful, or even possible. In the following chapter I explore whether the ability to separate out one's personal views ought to be valued as a political pursuit, even if it might be very difficult to achieve. I pay particular attention to how Rawlsian reasonability may itself be a personal doctrine independent of its functional role in Rawls's process of reasonabilization. In this way I attempt to engage directly with what I imagine to be

Rawls's comprehensive doctrine to better understand his political views. Ultimately I contradict Rawlsian thought and conclude that the kind of understanding gained from an analysis of personal views ought to be encouraged in the public political sphere. This conclusion lays the foundation for my argument that an openly partial public political sphere will bring about a more just world more effectively than Rawls's impartial public political sphere.

I. SEPARATIST SECULARISM: THE WESTERN PARADIGM

Rawls's vision of the public political sphere is all about separating one's personal views from political decision making processes. Separation is nothing new in Western political philosophy. One particular iteration of separatism, secularism, is a fundamental concept in Rawlsian reasonability, and American politics more generally. Yet what, exactly, do we mean when we say something is secular or that something ought to be secular? According to Rawls, secularism "take[s] the truths of religion off the political agenda" (*Liberalism* 151). In the first chapter we saw what Rawls means when he asks citizens to remove religion and other doctrines of truth or right from political discussions. Rawlsian reasonability dictates that citizens ought to censor their personal views in the public sphere and present their thoughts by appealing to considerations other citizens can accept.

In the last section we saw how the understanding generated by communicating on a reasonable common ground might not be adequate to bring about meaningful political discourse. The conclusion I drew in the last section may not seem groundbreaking. Of course our understanding of others' views is limited if they are asked to explain their

opinions without reference to their personal doctrines of truth or right. But if our understanding is hampered, why would Rawls ask citizens to limit how they make political arguments? The answer may lie in the Western[9] tradition of secularism dating back to European modernism.

In the United States, secularism is often discussed in reference to the separation of church and state (Sangay 292). On this understanding, secularism prevents religion from acting as a legitimate basis for political reasoning. More than that, however, Western secularism implies a separation of personal values and political reason. Separating reason from personal views outside the context of religion and politics is not mandated in any of the United States' political documents. Yet recall how Rawls claims all comprehensive doctrines ought to be removed from person's reasoning in political contexts. Contemporary liberal notions of the public sphere like Rawls's indicate just how pervasive the desire to separate personal and political matters is. Theoretically, an impartial public sphere guards citizens against discrimination and persecution. Impartial political structures do this by being 'blind' to citizens' personal characteristics such as gender, age, race, and religion. Rather than allowing these differences to determine the kind of treatment individuals receive in the public sphere, Western secularism strives to create equality before the law (Larson 210).

Contemporary political philosopher Charles Taylor explores the historic foundations of the dominant Western orientation toward secularism in his book *A Secular*

[9] Using the term 'Western' to describe a tradition of, and orientation toward, secularism is inherently inaccurate. I recognize that by referring to these ideas as 'Western secularism' I am reducing the Western world to a single viewpoint and implying that such a world is a coherent concept. Though I agree with the critiques, I will continue to use this signifier when necessary for the sake of clarity and consistency.

Age. Taylor explains that Western ideas about secularism are rooted in what he calls "the powerful modern ontic dualism" (Taylor 773). Epitomized in Cartesian mind-body dualism, modern ontic dualism signifies a noumenal realm that contains two different kinds of substances: mental and physical. Building on Descartes' division of the modern world into mind substance and physical substance, rationalist thought emerged as separate from and privileged above religious sentiments. Rationality's emerging superiority can even be seen in Descartes' *cogito* 'I think, therefore I am'. Here a person's existence is contingent upon their capacity to reason rather than their embodiment.

According to Taylor, modern ontic dualism led rationalists to see themselves as independent minds ruling over "a mechanistic, meaning-shorn universe, without internal purposes such as the older cosmos had" (Taylor 773). When Taylor uses the phrase 'older cosmos' he suggests that rationalism is in opposition to what came before it. On this view, modern rationalism negates the earlier religious order by stripping religion of its symbolic meanings. From a modern rationalist perspective, symbolic meanings detract from a person's ability to engage in just reason. Instead of bringing about just societies, the argument goes, religious reasoning creates fictional and unjustified inequalities. The inequality that stems from religious doctrines makes rationality a superior mode of judgment for the modern rationalist. Western secularism, then, defines itself on the basis of its lack of subordination to religious doctrines.

Rawls's political liberalism fits squarely within Taylor's conception of the Western secular tradition. Like modern rationalists, Rawls places reasonability in a

position of superiority relative to all other ideologies in politics and public reason. Unlike early Western secularism, however, Rawlsian reasonability does not limit its political exclusion of personal doctrines to religious reasoning. Rightly seeing the similarities between religious doctrines and other so-called secular doctrines of truth or right, Rawls asserts that all doctrines of truth or right ought to be kept out of public reason. Here Rawls's work indicates that Western secularists' distrust of religious reasoning has expanded to a skepticism toward all personal doctrines of truth or right. It seems Rawls is concerned about the kinds of symbolisms and meaning-ridden universes that any personal doctrine might create, not just religious ones. For Rawls, reasonability reigns supreme.

I.1 MODERN SELF-CONSCIOUSNESS

As we saw in the first chapter, Rawls only requires that discourse be limited to political reasonability in purely political conversations about political fundamentals. However we also saw that the legitimacy given to reasonable arguments in political conversations influences the kinds of arguments citizens deem acceptable in a wide range of discourse. Recall how students in a college-level English class censored their religious views on evil for fear that they were inappropriate in an academic setting. Charles Taylor would not be surprised by these students' self-censorship. According to Taylor, Western secularism isn't just about separating rationality from irrationality. Rather the political and academic power behind rationalism causes it to seep into the very meaning of personhood in a modern rationalist society.

Just as modern rationalism separates personal and political reasons in political discourse, it also separates good and bad practices, ideas, and even people. Modern persons see the world through a lens Taylor refers to as 'modern self-consciousness'. Modern self-consciousness, Taylor states, tells people "that certain things are 'modern', that other practices are 'backward', that this idea is positively 'medieval', and that other one is 'progressive'" (Taylor 301). In this way, modern persons divide the world into two opposing realms: one progressive, the other close-minded or archaic. Modern self-consciousness is not a trivial portion of modern citizen's conception of their surroundings. The normative judgments a person evaluates through modern self-consciousness are of the utmost importance and urgency in their worldview.

The reason for this urgency, Taylor states, is modern self-consciousness's utility as a barrier between modern society and atrocity. According to Taylor, we, as modern agents, "place ourselves [relative] to our own 'barbarian' past, and to other, less fortunate peoples" (Taylor 301). The modern rationalist perceives atrocities committed by fellow humans as originating in faulty reasoning. If only those people had been more reasonable, the argument goes, the world would be free of horrible acts like rape and genocide. The Western separatist model of secularity portrays what it perceives to be pure reason as morally superior to arguments perceived as stemming from personal doctrines of truth or right. Secularism is superior due to its unique ability to provide an impartial political sphere free of symbolic, spiritual, or otherwise biased arguments. In this way, rationality cleanses the modern person of connection to, or responsibility for, human fallibility and atrocity. As a result, modern rationalists do not trust non-

rationalists' arguments to be free of horrible consequences in the same way. Here we can see why modern rationalists might attempt to safeguard secularism so vigilantly. To the modern rationalist, irrationality is the basis of evil in the world.

While Rawlsian reasonability is not exactly Taylor's modern rationality, the two share a common history and many points of similarity. The modern rationalist's normative dichotomy between reason and personal doctrines is mirrored in Rawls's distinction between reasonability and unreasonability. While Rawlsian citizens with reasonable doctrines are encouraged to voice their views in reasonable public discourse, citizens whose political arguments are founded in unreasonable doctrines ought not be taken seriously.

Yet modern self-consciousness may be about more than distrusting unreasonable personal doctrines. As Joshua Cohen states:

> Rawls supposes that he is addressing himself to citizens who hold political opinions (ideas of justice and the common good); acknowledge that they, along with officials and parties, have the deliberative responsibility of presenting public arguments at least about fundamental laws and policies by reference to such opinions; and are uncertain about whether their actual views are the most reasonable political opinions. Recognizing their responsibility, they are looking for guidance on how best to understand justice and the common good in a society of equals. (Cohen 102)

Rawlsian citizens take their deliberative responsibilities very seriously. On Taylor's view, the seriousness of this duty stems from reason's ability to act as a safeguard against atrocity. The gravity of reasonability causes modern rationalists to distrust even their own judgment. Recognizing that they too are fallible, Rawlsian citizens look to those in positions of political power or ideological privilege for the kinds of arguments they ought to make. Persons' distrust of their own personal doctrines helps explain why they are so

willing to put their faith in modern rationality or Rawlsian reasonability in the political realm. Individuals do not want to be singled out as possessing unreasonable views. By disassociating from their personal views in the public sphere, citizens can cleanse themselves of responsibility for any negative consequences that may result from political decision making processes.

Rawls himself seems to fit into Taylor's model of modern self-consciousness. Like an individual whose worldview is influenced by the modern ontic dualism of rationality and personal doctrines, Rawls holds that reasonable arguments are more progressive than, and normatively superior to, unreasonable ones. In fact, Rawls's insistence on reasonability in political discourse may be founded in his own encounters with atrocity.

As an undergraduate, Rawls's views on political discourse closely mirrored mine. In his undergraduate thesis Rawls criticized political philosophers' tendency to create a "false dichotomy between the individual and society" that led to some individuals being excluded from political deliberation (Gregory 194-5). Rawls's early view would certainly not mesh with reasonability's debasing of personal doctrines. So what happened after Rawls's undergraduate thesis? In an attempt to explain this change ethicist Eric Gregory states:

> what happened after his thesis? The short answer is World War II, the Holocaust, and Hiroshima. Rawls graduated from Princeton, and served in the Pacific for three years...He rode on a train through the ruins of Hiroshima after learning of Auschwitz. He lost many friends during the war. By June of 1945 Rawls abandoned his thoughts of entering seminary...and renounced his early religious faith. The arguments he made in his thesis were no longer convincing. (Gregory 195)

Gregory points to Rawls's distrust of personal doctrines after witnessing humans commit grave atrocity. Writing in reference to the Holocaust, Richard Bernstein builds on the idea that atrocity changes how persons think about the world. Bernstein states,

> We may desperately want to believe that there is something about human beings that cannot be transformed, some thing deep about the human self, the voice of conscience that cannot be obliterated. But after totalitarianism, we can no longer hold onto those beliefs. This is the specter that now haunts us. (Bernstein 177-78, Dawes 57)

The specter of World War II haunts Rawls. After World War II, Rawls cannot find an unmovable portion of the human mind that resists barbarism. For Rawls the only hope of preventing atrocity is maintaining impartial reason and shutting out personal doctrines in political decision-making. Rawls's rejection of personalism following World War II indicates that his reverence for reason is consistent with Taylor's assertion that modern rationalism attempts to separate secularists from evil.

Yet recall Sandel's 'unencumbered self' objection to Rawlsian reasonability. According to Sandel, we cannot be impartial in public reason—nor ought we be. Also recall my critique that Rawlsian reasonability is partial and subtly coercive rather than impartial and non-coercive. Rawls's desire to prevent atrocity sheds new light on why Rawls may stand firm with reasonability despite these critiques. According to Rawls, we ought not allow the seemingly impossible nature of impartiality prevent us from striving toward an ideal, impartial society (*Restatement* 5).

I.2 REASONABILITY AS A SHIELD AGAINST EVIL

Rawls would likely claim that we ought to privilege reasonability even though its hegemonic power creates its own legitimating consensus among citizens. At the

foundation of this claim, should Rawls make it, is an assumption that reasonability will act as a safeguard against atrocity. Though we have seen how this assumption developed, we have yet to see if we ought to continue to strive to create a reasonable public political sphere.

The argument for reasonable public political spheres seems intuitive enough. According to Rawls, an individual is reasonable if they offer political reasons another reasonable person could reasonably accept. The pervasiveness of 'reason' aside, Rawls's argument makes a lot of sense. Presumably no one would ever be able to accept being the victim of atrocity. So, as long as citizens consider what other citizens can reasonably accept, there won't be any arguments for atrocity.

Of course, it's not quite that simple. How do we define atrocity? And, as is always the question, how do we define reasonability? Is killing someone an atrocity? Is killing someone who we think is committing an atrocity an atrocity? Would killing Hitler have been atrocity? Assuming we consider Hitler unreasonable, what are the grounds on which we make that judgment? Are we unreasonable for seeking to wipe out those who seek to wipe out others? As you can see, these distinctions are not as clear as they first appear. Yet if a person is adequately reasonable, they ought to have the answers to these kinds of questions.

Cohen points to the possibility that reasonable persons wonder if they themselves are 'reasonable enough' to live up to a Rawlsian ideal. According to Rawls, these very people ought to make political decisions in the examples I gave above. So how can a citizen tell if they or someone else is reasonable? How can they tell if someone is evil

(taking evil to be something we would associate with the likes of Hitler)?

Consider the following example:

> He specialized in ethics at his university under a prominent...moral philosopher, loved Tolstoy, and immersed himself in...literature...that promoted individualism and humanism...He worked for the Ministry of Education after graduation but as a man of conscience, quit in protest when asked to perform an 'ideology inspection' on a scholar he admired. After that, he worked as a teacher at a teachers' college. He was then drafted...

Given our knowledge of Rawls's philosophy and the biographical details I supplied in this paper, the man described in the passage above could easily be John Rawls. But it's not. Instead the excerpt is a description of Ebato-san, a Japanese war criminal who is profiled in James Dawes's book *Evil Men* (Dawes 183).

What happened here? Why did Rawls and Ebato-san begin life so similarly and end up in such different places? Unlike my questions about Hitler, atrocity, and reasonability, this question has a simple answer: context. While Rawls entered the American army during World War II, Ebato-san was drafted into the Japanese army during the Second Sino-Japanese War. Given their similar backgrounds, why ought we consider Rawls's opinions legitimate in the public sphere but discount Ebato-san's? Rawls would respond that we ought to judge individuals based on their actions, not where those actions came from. Fair enough. But do we ever consider Ebato-san reasonable again? What if he really has changed? How do we know?

In *Evil Men* Dawes suggests that the problem with these questions may not be how to answer them. Instead, the problem may lie with the questions themselves. Dawes calls this dilemma the 'paradox of evil'. "We must and must not demonize" those who commit atrocities, Dawes writes, "We must not demonize because to demonize is to

adopt a stance that shares features with the demonic: namely, a dismissal of the other's full humanity" (Dawes 34). Returning to Rawlsian reasonability, the question for us then becomes whether demonizing someone and subsequently labeling them unreasonable dismisses their full humanity.

To answer this question, it is helpful to return to Joshua Cohen's work. In his analysis of Rawls, Cohen rightly asserts that Rawls's conception of personhood involves two moral powers: the capacity for a sense of justice and a capacity for a concept of the good (Cohen 107). Cohen also points out that citizens "regard one another as free and equal persons by virtue of their possession of these powers" (Cohen 107). For the purposes of this paper I assume that the idea of an individual being a 'free and equal person' is an essential component of a Rawlsian conception of 'full humanity'. If this is the case, all fully human persons, in a Rawlsian sense, possess the capacity for a sense of justice and a capacity for a concept of the good. Certainly possessing a capacity for something is not the same as actually possessing it. So, perhaps when Rawls says that we ought not to consider unreasonable arguments attention-worthy in the public sphere, he is not disrespecting the unreasonable person's fully humanity.

But Cohen might not agree. According to Cohen, the fact that, in a Rawlsian society, "the possession of the oral power to form and exercise a sense of justice is the basis of equality...[my peers] show respect by acknowledging and protecting my right to bring my sense of justice to bear on public affairs" (Cohen 109). What does it mean to bring one's sense of justice to bear on public affairs? Rawls may state that the unreasonable person's ability to express themselves in public reason is enough to

constitute respect toward their sense of justice. Yet mere toleration is not synonymous with respect. Rather respect comes from a willingness to understand the other on their terms in addition to (or instead of) asking them to express themselves merely on the reasonable terms one accepts. So how ought we determine if individuals are being respected? Cohen states, "When others respect me as an equal, they confirm my sense of my own value" (Cohen 109). It is not clear from Rawls's work how Rawls would respond to this sentiment. Yet if I were ignored in public reason based on my supposed unreasonableness I would not feel as if those around me were confirming my sense of value. Instead of respected, I would likely feel rather alienated.

Alienation is inherent in Rawls's model of public reason. By creating a dichotomy between reasonable and unreasonable persons and arguments, Rawlsian theory forges an in-group of pure, reasonable people who agree with him juxtaposed with an out-group of those who do not. In *Evil Men* Dawes is quick to point to humans' universal preference for our in-group's way of thinking while faulting those who disagree with us. According to Dawes, there is little normative difference between our in-group's preferences and other groups' preferences beyond the significance group members give them. While we see our ideas as having a unique relationship to Truth, we perceive others' as lacking truth value. But according to Dawes, we're all just fanatics. "Fanaticism is a necessary aspect of human identity, and a prerequisite for social interaction," Dawes states, "although when people are fanatical about things that fit in with social norms or our own values, we don't call it fanaticism. We call it 'belief'" (62). By understanding that others perceive our views to be just as alienating as we perceive

theirs, we may be able to work toward a more self-aware and inclusive mode of communicating with those who disagree with us. Moreover, if we are able to identify the foundations of our differences by locating their sources in personal doctrines, we may even be able to understand each other and engage in political discourse with a deeper respect for each other's humanity.

Unfortunately, categorizing others into groups and seeing one's own group as superior to others' seems to be a natural part of being human. Yet the human tendency to dehumanize others should not be part of a theory on how political actors ought to act. Instead, theories of political discourse ought to encourage inclusion and communication. Asking people to include those who are drastically different from themselves with open arms may be a request doomed to fail. Yet, as Rawls might say, the idealism of such a goal should not discourage us from striving for a better future.

II. SYMBIOTIC SECULARISM: THE INDIAN PARADIGM

But if we reject Rawlsian reasonability as an unacceptable paradigm, what will public discourse look like? How will we ensure public reason allows for equality, autonomy, and effective communication? Fortunately, we do not have to construct a new paradigm of public reason from scratch. On the Indian subcontinent, the public sphere is defined by its own version of secularism. In this section I will explore Indian secularism and how it differs from the Western tradition.[10] I will assert that Indian secularism offers a practical model for the kind of respectful public reason we might aspire to post-Rawls.

[10] As with the term 'Western', using the term 'Indian' to describe a tradition of, and orientation toward, secularism is inherently inaccurate. I recognize that by referring to these ideas as 'Indian secularism' I am reducing Indians to a single viewpoint and implying that such a singular ideology is a coherent concept. Though I agree with the critiques, I will continue to use this signifier when necessary for the sake of clarity and consistency.

Though these views are subject to the same particularity as Rawls's, their awareness and celebration of their own partiality makes them preferable to Rawlsian reasonability.

While Western secularism separates reason and comprehensive doctrines, Indian secularism does not dichotomize personal and political beliefs. Instead, Indian discourse tends to weave together politics, religion, and other normative doctrines. India's secularism even goes beyond encouraging religious citizens to express themselves in the public realm. India's constitution guarantees a right to religious freedom in much the same way as the United States' constitution does. Yet, whereas Western secularism leads to equality before the law, Indian secularism allows for some explicit overlap between state and religious doctrines. In India, some laws apply differently to members of different religious groups. For example, there are reserved seats in parliament for Scheduled Castes and tribes. These reserved spots function in a manner somewhat similar to affirmative action policies in the United States. Like affirmative action policies, Indian reserved seats are meant to give historically oppressed groups a more fair shot at positions traditionally denied to them.

India also has a series of 'personal laws' that incorporate religious laws about family matters into the Indian legal code. Personal laws allow religious groups to follow the commandments of their religion instead of the 'neutral' national law in a variety of familial contexts such as marriage and divorce (Larson 200). For example, the amount of alimony Muslim women ought to receive in India is still a hotly contested issue in India as laws bounce back and forth between orthodox groups, parliament, and the supreme court which all have different interpretations of Indian constitutional regulations

(Gurumurthy).

Upon first glance, Indian secularism does not seem much like secularism at all. How could religious groups even begin to claim that the marriage laws in their religious texts take precedent over national law? Western scholars may assert that calling India's radical pluralism secularism is a category error. To a modern rationalist, secularism denotes the separation of church and state, not the union of the two.

Religious scholar Gerald Larson recognizes Western discomfort with referring to Indian institutions as secular. According to Larson, Indian identities are intrinsically spiritual in a way Western identities are not. Larson claims that because of this intrinsic spirituality, one must apply the term 'secular' to India with a different semantic than one would apply to a Western nation (Larson 196-7). For Larson, 'spirituality', like 'secularism', does not have the same meaning when used in reference to Indian politics. Larson clarifies that when he uses the term spiritual in this context he is "using the word not in its narrow religious sense" but rather including all spiritual practices and persuasions as part of a 'civil religion' (Larson 196-7). Here Larson shares Peter Van der Veer's notion that there is "one great Indian spirituality, which the state provides for" (Van der Veer 23).

Just as Western attitudes about secularism can be traced to historical movements in Western thought, the 'Indian spirituality' Larson and Van der Veer point to has its roots in Indian intellectual discourse. Though Indian secularism was not formalized until the 1940s, its foundations took strong hold in the neo-Hindu movement of the late 19th Century. During this time Indian reformers like Raja Rammohun Roy and Swami

Vivekananda invoked classic Indian narratives from Vedanta philosophy and the Bhagavad Gita as the starting point of a Hindu 'live and let live' mentality expressing the equality and legitimacy of a wide range of spiritual beliefs. For example, in an address to the World parliament of Religions in Chicago in 1893 Vivekananda proudly proclaimed, "We [Hindus] believe not only in universal toleration, but we accept all religions as true" (Sharma 104).

Mahatma Gandhi went on to apply neo-Hindu tolerant universalism to his movement for Indian independence. Gandhi claimed religion and politics are inseparable. In the farewell to his autobiography Gandhi states "there is no other God than Truth" (Gandhi 504). At first this statement might seem like Gandhi is privileging reason over religion in a manner reminiscent of modern Western secularism. Yet for Gandhi the relationship between reason, truth, and religion is not mutually exclusive. For Gandhi morality is the essence of both religion and politics, marking their inalienable connection to one another (Sharma 281).

Indian secularism and modern Western secularism do have a good deal of common ground, however. Both Rawls and Gandhi agree that political views ought to be founded in personal doctrines, they just disagree about how those views and their connection to religion or morality ought to be expressed in public discourse. The difference between Western secular institutions and Indian secular institutions is a difference between impartiality and neutrality. Rawls's theory seeks impartiality in the public sphere. On Rawls's view, political doctrines ought to be consistent with a wide range of reasonable views. Indian institutions, however, seek neutrality by striving to

allow most personal doctrines to flourish without interference from the state.

To the Indian secularist, Rawlsian impartiality may even enhance favoritism rather than limiting it. According to the Indian paradigm the best way to prevent favoritism is to openly accept all views in the public sphere. In a critique sharing sentiments with Sandel's unencumbered self, an Indian secularist may claim that all views, however impartial they may seem, come from a particular point of view embedded in a personal doctrine of truth or right. The illusion that one view is more impartial than another is rooted in a solipsism that views one's own perspective as the neutral canvas against which all other views are judged. According to this logic, asserting that only reasonable arguments ought to be expressed in public reason favors Rawlsian reasonability over all other doctrines, even though this form of public reason may appear impartial to its supporters. Recall how both Rawls and the Dalai Lama's views might be interpreted as impartial in some way even though closer examination would likely lead them to point to the ideological particularity of each other's views. Here we can also see how Larson's assertion that Indian persons are somehow uniquely spiritual is deeply flawed. All individuals are 'spiritual' in the sense of subscribing to a civil religion, not just Indians.

Rawls would likely worry that if a nation were to accept open partiality instability and strong partisanship would quickly follow as citizens create echo chambers blocking out speakers whose views do not align with their own. Yet Rawlsian public reason also creates an echo chamber. By asserting that unreasonable views are inferior, Rawls's political theory creates a liberal partisanship that defines itself by being an echo chamber.

While open partiality may lead to hardline partisanship, the Rawlsian public sphere guarantees it. By differentiating between reasonable and unreasonable persons, Rawls ensures that many views will not be taken seriously in political decision-making processes. Perhaps Rawls would respond that an echo chamber is not the problem, but rather that open partiality will lead to too much political instability. Rawls may even point to the history of ethnic conflict in India as the basis for an argument that Indian secularism threatens the safety of minority groups.

Yet Ashutosh Varshney's work for *Ethnic Conflict and Civic Life: Hindus and Muslims in India* found that increased contact and ideological exchange between ethnic groups in India has strengthened comradery between ethnic groups rather than weakening it (261, 282). Moreover, Varshney contends that ethnic peace ought to be "conceptualized as an absence of violence, not as an absence of conflict" (283). While Rawls attempts to avoid conflict, Varshney claims conflict should be welcomed for its ability to help groups negotiate difference and bring about ideological creativity and change. Varshney even suggests open partiality may assist minority groups in improving their social and political positions.

In fact, India's unique brand of secularism was formalized by Bhimrao Ramji Ambedkar, a (former) member of India's untouchable caste who authored the Indian constitution (Zelliot 157). Ambedkar's acute awareness of the particularity of what can sometimes pass as an impartial view is not surprising. As a member of a disadvantaged group Ambedkar was acutely aware that his political perspective came from a particular point of view. For individuals like John Rawls, their positionality may be less obvious

due to their social privilege. Rawls was likely used to being taken seriously, or, in the very least, not accustomed to his opinions being attributed to his gender or race. In this way, it may have been easy for Rawls to see his views as impartial.

III. PRACTICAL POSITIONALITY IN PUBLIC REASON

Indian secularist academics are not the only thinkers who advocate for open partiality in political discourse. In addition to contemporary philosophers like Michael Sandel, feminist critiques have long taken issue with the notion that one perspective is superior to another. While feminists began their work critiquing others' views, third wave feminists also attempt to be skeptical of their own perspectives.

In her book *Inessential Woman* Elizabeth Spelman critiques feminist literature as taking white middle-class women's opinions as a neutral representation of women's perspectives generally (Spelman 9). While it was easy for white middle-class women to see their views as unbiased when it came to representing women broadly, white middle-class feminist ideology did not take into account the experiences and needs of women outside their socio-economic group. In an effort to change white middle-class feminism's narrow view, Spelman attempts to recognize the particularity of her perspective in her academic work. For example, in an article Spelman co-authored with Maria C. Lugones, each author's positionality is identified throughout the piece. By speaking in multiple voices and identifying their social privileges and oppressions, Spelman and Lugones make it clear that their perspectives are just that—perspectives (Lugones 17). While Spelman does not shy away from making normative assertions in her writing, she does so with a self-awareness she finds lacking in most contemporary

discourses.

Perhaps explicit recognition that every idea comes from a specific point of view seems a bit silly. *Of course* our ideas come from a point of view—that is simply part of being a subjective human agent. But it isn't always that obvious. In fact, the kinds of obvious things we take for granted are taken for granted for a reason—we forget them. We forget that even our perspective is a perspective. When we don't recognize our positionality, others also forget that we speak from a point of view.

To take an example from my own life, I often assume that the authors of academic articles are men, even when the author's name is normatively female. In the past few weeks alone I can pinpoint three separate instances where I was surprised when my professors referred to the author of a text using feminine pronouns. In my mind, academic articles, and the kind of 'legitimate' knowledges that come with them, originate from the hands, minds, mouths, and keyboards of men. These thought patterns are not because I actively think women are intellectually inferior to men. Rather they are grounded in my positionality as a student who takes classes in highly male-dominated fields and twenty one years in an unfortunately patriarchal and misogynist culture.

Feminists aren't the only Western academics who favor open positionality in the public sphere. In fact, a variety of contemporary theorists across academic disciplines question whether impartiality is practical or even ideal. For example NYU professor of journalism Jay Rosen asserts that contemporary media in the United States is involved in a project in which neutrality is used in "an attempt to secure a kind of universal legitimacy that is implicitly denied to those who stake out positions or betray a point of

view" (Rosen). Here Rosen mirrors Rawls's desire for impartiality as a form of legitimacy in government institutions.

Yet according to Rosen and his peer Dan Froomkin, journalists' constant quest to be neutral has cost them the ability to foster understanding among various viewpoints and put pressure on dysfunctional institutions. More pressing, Froomkin and Rosen assert that journalists may even avoid including 'harmful facts' that seem to favor one side over another in their reports in their attempts to avoid accusations that they are not objective (Froomkin). When journalists exclude facts for fear of seeming biased, their attempts to strip themselves of their humanity and become 'impartial' are not useful to the public they hope to serve.

On the surface, the ability of those in power to decide which kinds of arguments are acceptable in the public sphere is not necessarily a problem on Rawls's view. If reasonable persons reject the views of those in power, 'bad power' can easily be kept in check. Yet as we saw in the first chapter, Rawls's view is not so simple. Exposure to ideas in the public realm can shape the lens through which citizens see the world. The political conception of those in power shapes what citizens deem reasonable. In this sense, those in power decide not only what the political conception ought to be, but, in doing so, also assure the political conception's perceived reasonableness. Due to the political conception's partiality to those in power Rawls fails to create an impartial, non-coercive conception of justice.

Yet as this chapter indicates, partiality may be a good thing, or at least lack of impartiality may not be as bad as Rawls's work indicates. On a basic level, our emotions

and the comprehensive doctrines that inform them compel us to act where more 'objective' arguments may fall short. According to Amartya Sen, this emotional tug indicates the complementary roles of reason and emotion in human reflection. These emotions, Sen states, must be taken seriously, though not without some degree of critical scrutiny (Sen 39). Those who subscribe to a Rawlsian condemnation of partiality in the political realm would likely respond that our concern for justice or abhorrence at injustice cannot "build a truly wise concern for humanity [and]...impartial motives based on ideas of dignity and respect should take its place" ("Compassion" 231). Here a proponent of political liberalism might state that partiality politics implies a kind of paternalism that ought to be avoided in these kinds of discussions. By relinquishing veils of impartiality, institutionally supported views may seem more explicitly coercive than previously imagined.

In response to the argument that partiality is paternalistic and thus disrespectful, Michael Sandel states that just the opposite is true. As we have seen, Sandel claims impartiality exhibits disrespect of others in its failure to engage with others' convictions head on. On this view persons ought to listen to, challenge, and contest the comprehensive doctrines of others rather than shying away from discussing the ideologies that support our ideas of what is just (Sandel 1794). Philosopher and theologian David Burrell also affirms the importance of authentic pluralism in political discourse. On Burrell's view, discussions that take into account a wide variety of disparate viewpoints are beneficial insofar as they highlight contradictions between and within ideologies. In the face of these contradictions, Burrell states, society as a whole is

better able to flesh out, analyze, and understand the ideologies that lead individuals to advocate for one outcome over another (Burrell 99).

In support of pluralism Jay Rosen proposes a new kind of public discussion in the American press. Rejecting neutrality as impractical and detrimental to public discourse, Rosen advocates for a space in which individuals do not pretend that they do not have a partial view. Instead, Rosen suggests persons inform each other of where they are coming from so that others can take their ideologies and its assumptions into account when evaluating their view. In this way, partiality and pluralism may actually improve the quality of political discourse.

Rawlsian reasonability does encourage citizens to discuss their comprehensive doctrines in the public political sphere in certain circumstances. Yet Rawls only finds comprehensive doctrines permissible so citizens can "explain to one another how their views do indeed support" the political conception of justice (*Peoples* 154). In a Rawlsian society, expressing comprehensive doctrines in the public sphere is a way for citizens to prove to one another that they are reasonable. Yet as we have seen time and time again, not all comprehensive doctrines support the political conception of justice. In order to get to the root of political disagreements, public discourse must include all viewpoints, not only those that affirm the hegemonic norm.

Even the form of this paper provides an important commentary on the difficulty involved in derailing taken for granted views. First I offered my own critique of Rawlsian reasonability, then supported it with critiques from other Western philosophers like Sandel and Cohen, then compared the Western and Indian contemplative traditions,

and offered arguments from other academic disciplines. Though this may just be a symptom of following good practice in writing this kind of paper, my method also illustrates modern self-consciousness's reliance on Rawlsian reasonability.

The kind of open pluralism I advocate may never lead to a transcendental form of justice that works in all cases and can be assented to by all persons. Yet according to Amartya Sen, inflamed pluralistic discussions "cannot but be of immediate interest both to policy-making and to the diagnosis of injustice" (Sen 388). With no ideology necessarily superior to any other, every perspective might have something to offer in the public political sphere.

Through open discussion persons have greater access to a variety of ideologies in addition to the outcomes they support. In the very least, partiality indicates a more authentic mode of discourse that is likely to foster greater understanding between the proponents of disparate views. At most, partial discussions may bring to light new facts and ideas that were previously seen as not reasonable or 'neutral' enough to be included in political discussion. In this way, persons will be able to better identify injustice and strive to create a more just world. Though this system is certainly not perfect, I assert that it is the best way to reduce injustice and improve the lives of persons living here and now, as well as in what Rawls would call a 'realistic utopia' (*Restatement* 4).

4. Identifying Injustice in a Partial, Pluralistic Public Sphere

THE SKY IS
BEAUTIFUL...
NICE WORK
CAPTURING IT
IN YOUR
PHOTOGRAPH

- S. Roggenbuck

In the preceding chapters I asserted that Rawlsian reasonability ought not be valued as impartial, non-coercive, or as the best way for citizens to engage with one another in the public political sphere. Rather than relying on a Rawlsian public sphere as our paradigm for public discourse, I claimed that we ought to pursue an openly partial and pluralistic mode of public discussion. Though open partiality might be more respectful of individuals and a more honest, effective way to communicate, Rawls may still object that open partiality is not more just than the public sphere he imagines in his political project. One seeming advantage to Rawls's view is that his account of justice makes political decision-making easier. Open partiality may put so many competing incongruous views in the public sphere that coming to any kind of conclusion about how to answer questions about justice will be inefficient, if not impossible.

In this chapter I will assert that it is still possible to act decisively to remedy injustice without a singular conception of justice. I will first explore why a society with a singular notion of justice might be preferable to one with many competing notions of justice. Next I will explain how, even from a Rawlsian perspective, a singular notion of

justice might lead to multiple conclusions. Having laid this foundation I will then turn to Amartya Sen's partial rankings of justice as an alternative way to identify injustice. I will conclude, as Sen does, that identifying injustice need not rely on a single theory of justice for its basis.

I. TRANSCENDENTAL THOUGHT

In *Justice as Fairness: A Restatement* John Rawls attempts to answer the following question:

> what is the most acceptable political conception for specifying the fair terms of cooperation between citizens regarded as free and equal as both reasonable and rational, and (we add as normal and fully cooperating members of society) over a complete life, from one generation to the next? (7-8)

At the root of this question lie two basic assumptions. The first, that reasonability ought to be a requirement for full participation in a just society, we have already explored in detail. Yet even more fundamental to Rawls's guiding question is the notion that there is a single, most acceptable political conception that ought to determine how citizens behave in the political sphere and what the content of public reason ought to be. By assuming that a society ought to agree on one political conception of justice, Rawls draws on a long tradition of transcendentalism in Western political philosophy. The term transcendentalism, as I will use it, refers to the presumption that there ought to be one kind of argument that satisfies the demands of justice.

It seems John Rawls seeks to create a transcendental theory of justice for many of the same reasons he favors impartiality: clarity, stability, and creating a public reason on which all citizens can understand and be understood by their peers. According to Rawls, having a transcendental set of abstract principles is useful in allowing us to "gain a clear

and uncluttered view of a question" (*Theory* 8). According to Rawls, only abstract conceptions have the power to give us this clear view because they focus "on the more significant elements [of the question] that we think are most relevant in determining [its]...most appropriate answer" (*Theory* 8). For Rawls, this transcendental notion of justice is crucial to our ability to be able to make judgments that improve institutions by striving toward the perfectly just. Rawls may well be correct in stating that abstract ideas help us clarify practical questions about justice. But why does this relationship between ideal and practical justice mean we need a single political conception of justice? And why is comparing our world to our perfectly just ideal the best strategy of increasing justice in a particular society?

On face value, Rawls's affinity for a transcendental theory of justice is intuitive. Just as impartial Rawlsian reasonability draws on our intuitive sensibilities about how justice ought to be, operating under a single concept of justice does as well. Yet as we have seen throughout this paper, even our most basic intuitions ought to be subjected to critical scrutiny to illuminate the point of view in which these intuitions originate. Though this idea is not novel in philosophy—think Descartes's *Meditations*—Western political philosophy seems to hold fast to its basic assumptions with little criticism of where these assumptions might come from.

In his thought-provoking book *The Idea of Justice* Amartya Sen challenges the kind of transcendentalism Rawls takes for granted. For Sen the problem with transcendentalism lies in its inability to guide decision making processes in the way Rawls hopes. Both Rawls and Sen subscribe to the idea that decisions about what is just

in a particular situation ought to be determined by their ability to "survive critical scrutiny and...have claims to impartiality" (*Idea* 10). Though I have critiqued the legitimacy of impartiality, let us put aside my critiques of impartiality for the time being and assume for the sake of argument that Rawls and Sen are correct in their reverence for impartiality in discerning just outcomes.

According to Sen, it is possible that more than one reasoned, impartial argument may survive critical scrutiny and satisfy the demands of Rawls's justice as fairness (*Idea* 10). In order to explain reasoned scrutiny's inability to identify a single most just outcome, Sen provides an example involving three children and a flute. In this thought experiment, three different children all want to possess the same flute. The first child claims the flute should be hers because she is the only one of the three who can play the flute. The second states the flute should be his because he is poor and does not have any toys. Though the second child cannot play the flute, he claims that the other children have many other toys to play with, so they do not need the flute the way he does. The third child believes the flute should be hers because she made it and thus it has been hers all along. According to Sen, "it is not easy to brush aside as foundationless any of the [children's] claims" (*Idea* 14). On Sen's view each claim is founded in impartiality. As such, each child's claim would survive the kind of critical scrutiny Rawlsian reasonability demands.

Of these three practical options, Sen asserts, a most just outcome cannot be determined with the help of comparisons with Rawls' transcendental ideal. To explain this thought, Sen provides another thought experiment: "if we are trying to choose

between a Picasso and a Dali, it is of no help to invoke a diagnosis (even if such a transcendental diagnosis could be made) that the ideal picture in the world is the *Mona Lisa*" (*Idea* 16). Sen claims that though it is tempting to rank alternatives based on their closeness to a perfect system, that approach fails in two respects. First, Sen asserts, ranking alternatives in comparison to a transcendental ideal fails to take into account the "different dimensions in which objects differ" (*Idea* 16). Returning to the *Mona Lisa* thought experiment, this notion illuminates the stylistic differences of all three paintings that may make them incomparable. Second Sen claims that the descriptive closeness of one option to the transcendental ideal "is not necessarily a guide to valuational proximity" (*Idea* 16). Here Sen points to the fact that though a Picasso may paint a portrait that better resembles the *Mona Lisa*, we may nevertheless prefer the Dali due to some other value not provided for in the transcendental model. Taken in a political context, Sen refers to these issues as the problem of comparative assessment and incompleteness, respectively (*Idea* 70). Comparative assessment points to the issues resulting from comparing things we value for different reasons, incompleteness the fact that our ideal may not possess a factor that we may nevertheless value in non-ideal circumstances.

Ultimately Sen rejects Rawlsian transcendentalism due to its procedural inability to elucidate a single most just option and its failure to use transcendental comparisons as a remedy to this shortcoming. Here Sen states: "If institutions have to be set up on the basis of a unique set of principles of justice emanating from the exercise of fairness, through the original position, then the absence of such a unique emergence cannot but hit

at the very root of the theory" (*Idea* 58).

Rawls would likely agree with Sen's assessment that there are multiple reasonable ways to respond to Sen's flute thought experiment. On a Rawlsian view, the fact that there is more than one reasonable solution supports Rawls's claim that his theory of justice is consistent with the right kind of pluralistic society. To Rawls, the reasonability of each child's claim renders it sufficiently just—any one of these children could justly claim ownership of the flute.

Yet there seems to be something deeper troubling Sen about the multiplicity of just options offered by Rawls's theory. For Sen there isn't much use in having a single notion of justice if it can give rise to so many just options. Sen asserts that in situations like this, a degree of arbitrariness is needed to identify which argument prevails (*Idea* 14). Instead Sen asserts that each of these theories of justice have an equal claim at being 'the' just form of justice.

II. PARTIAL RANKINGS AS AN ALTERNATIVE TO TRANSCENDENTALISM

Given Rawlsian transcendentalism's inability to signify which of many options is the most just, Amartya Sen presents his theory of partial rankings as an alternative. Sen claims just outcomes can be identified by a series of comparative rankings without reference to a transcendental ideal. Rather than brushing aside comparative assessment and incompleteness as inherently problematic in evaluating just outcomes, Sen embraces this seeming uncertainty. According to Sen, comparative assessment and incompleteness are not necessarily bad when discriminating between reasoned arguments in order to discern the demands of justice in an actual situation (*Idea* 70). Sen states that practical

matters "cannot but be about comparisons" between many valuable alternatives (*Idea* 400). Here Sen asserts that one does not need to reference a transcendental ideal in order to judge whether one alternative is more or less just than another. Instead of searching for a perfectly just option, we ought to seek to enhance justice by removing obviously unjust elements of our societies (*Idea* ix).

Again, Rawls would likely agree with Sen that manifest injustice ought to be removed from the world when possible. But, the manner in which these injustices are discussed would be quite different depending on whether the society in question adhered to Senian or Rawlsian public reason. In a Rawlsian society citizens could only discuss whether a situation or action is just when compared to the political conception of justice. In a Senian society, however, citizens are free to express their own reasonable versions of justice. Though these same citizens could express themselves in a Rawlsian public sphere, they would not be encouraged to bring in their personal doctrines of truth or right. Yet for Sen, the fact that distinct yet equally good views all identify an act or policy as unjust strengthens the magnitude of its injustice.

Sen echoes this sentiment in his defense of incompleteness's acceptability in social assessment. Here Sen emphasizes the "urgency of removing manifest cases of injustice" in the world rather than seeking to create a perfectly just world (*Idea* 70). According to Sen, the transcendental incompleteness of a theory does not preclude arbitrators from reaching an agreement on what ought to be done based on the relative rankings of many options compared only with each other (*Idea* 105). In this argument, Sen asserts that human beings are able to cope with determining what to do in situations

in which values cannot necessarily be reduced to one particular 'good'. On Sen's view, philosophers like Rawls are more "comfortable with counting ('is it more or less?') [than]...with judgment ('is this more important than the other')?" (*Idea* 395). According to Sen, reducing justice to one variable discounts citizens' abilities to make judgments across multiple seemingly irreconcilable valuations. Sen claims his idea of partial rankings is superior to Rawls's singular idea of justice in that it allows for considerations across many dimensions.

On the surface Sen's partial rankings appear very much like Rawls's overlapping consensus. Both models focus on commonalities in citizens' ideologies to arrive at just solutions. Yet partial rankings are different than overlapping consensus in two important ways. First, while Rawlsian justice centers on making positive claims that build up justice, Sen's partial rankings result in negative claims tearing down injustice. This difference may not seem particularly significant, but these two paradigms embody strikingly different orientations toward justice. Partial rankings provide a sense of forward motion and concrete strides toward eliminating injustice while a Rawlsian transcendental view sets an impossible standard which may lead to greater feelings of inadequacy or defeatism. Moreover, though Sen values impartiality and reasonability, the incompleteness of a system of partial rankings leaves room to include a wider range of viewpoints than Rawls's consensus based on completeness.

On the other hand, one might critique Sen's partial rankings as defeatist in abandoning the kind of 'realistic utopia' Rawls strives for in his political philosophy (*Theory* 4). Yet according to Sen the insistence "that we must have agreed complete

orderings or universally accepted full partitions of the just, strictly separated from the unjust" is naive. Moreover, Sen claims Rawls's idealism is not constructive in fulfilling the actually achievable goal of creating a more just world (*Idea* ix, 26). Sen explains this concept by stating:

> When people across the world agitate to get *more* global justice - and I emphasize here the comparative word 'more' - they are not clamouring for some kind of 'minimal humanitarianism'. Nor are they agitating for a 'perfectly just' world society, but merely for the elimination of some outrageously unjust arrangements to enhance global justice, as Adam Smith, or Condorcet or Mary Wollstonecraft did in their own time, and on which agreements can be generated through public discussion, despite a continuing divergence of views on other matters. (*Idea* 26)

On Sen's view it is extremely important that we spend our energy and resources making the world a better place for those who presently live in it rather than striving to create a set of perfectly just institutions. In this way, combining Senian partial rankings with a partial public political sphere allows us to eliminate injustice while respecting individuals and providing opportunities for outsiders to dismantle politically powerful ideologies.

5. Compassion and the (Im)Partial Spectator

You are tweeting in an era three years after the fall of myspace. Act like it"
just took a Naked Shower
im going to the grocery store and buy all the foods that remind me of you
im tweeting for a better life in america, and all the other countrys

- S. Roggenbuck

My discussion of secularism and public reason explored how open partiality is not only possible, but may actually improve the quality of public discourse in pluralistic societies. Our ability to intimately understand others, however, might not be worth pursuing as a good in itself. In fact, if Rawls's philosophy is any indication, we ought to value making reasonable normative judgments over gaining a deep understanding of where others' normative judgments come from. In the last chapter I explored how a partial, pluralistic public sphere might not run contrary to Rawls's goal of bringing about a more just world. But what if understanding others' personal doctrines might even help us persuade them that our conception of justice is preferable to theirs?

In this section I will discuss the more strategic reasons why we ought to support open partiality. First I will explain legal sociologist Erich Steinman's theory of 'institutional entrepreneurship' as a mode of creating political change. After discussing Steinman's work I will relate it to Martha Nussbaum's emphasis on contextual emotion in her new work *Political Emotions: Why Love Matters for Justice*. After exploring cultural insiders' unique ability to create lasting societal change I will discuss the role outsiders might play in this model. Here I will draw on Adam Smith's 'impartial spectator' as it functions in Smith's *The Theory of Moral Sentiments* and Amartya Sen's

The Idea of Justice. I will conclude that cultural spectators play an important role in changing cultural norms. Yet, I will state that spectators ought to be just that—spectators—in this change process. I will end by asserting that an uninhibited public political sphere is more effective than a reasonable public political sphere in bringing about the kinds of normative changes Rawls hopes for.

I will begin with an example. In the Gelug-pa sect of Tibetan Buddhism, monks are regarded as particularly valuable individuals due to their knowledge of spiritual texts and ability to bring good fortune to their communities (Kapstein 219). Within the monastic community, there are various levels of achievement. The highest level of monastic achievement in the Gelug-pa sect is signified by the title 'geshe'. Geshe degrees are awarded when monks complete over a decade of highly regimented studies in Tibetan Buddhist philosophy and pass an exam composed of a series of debates with their peers and highly realized Gelug-pa masters (Kapstein 224). While Tibetan nuns also study philosophical texts, their studies are traditionally spent memorizing texts rather than analyzing them. Until very recently, Tibetan nuns were not permitted to take geshe examinations (Kapstein 200, Tsomo 120).

Direct movements toward giving nuns the option to become geshes, or geshemas as the nun's title is currently articulated, began in the 1990s. How the story goes from there, however, depends on whom you ask. According to one perspective, Western women's actions were a major contributing factor to Tibetan women becoming geshemas. From sharing normative ideas about gender to funding and founding revolutionary new nunneries to participating in monastic study, Western women were at

the forefront of the movement for Tibetan women (Butler 138, Dongyu, Mandala). Geshe Kelsang Wangmo-la, a German woman, became ordained as a nun in the early 1991 and went on to become the first female geshe in April 2011 (Mandala). In fact, Geshe Kelsang Wangmo-la may be the only woman that will ever receive the title 'geshe' rather than 'geshema'. According to this narrative, the geshema degrees awarded to Tibetan nuns in the past year would not have been possible without Western women paving the way.

But, that is just one side of the story. While the factual events of the narrative I just described are true, Tibetan's nuns' success is a bit more nuanced. At about the same time that now Geshe Kelsang Wangmo-la began her studies, sister-in-law to His Holiness the 14th Dalai Lama Rinchen Khandro-la created the Tibetan Nun's Project. The Nun's Project was dedicated to providing destitute nuns not only with adequate shelter and security, but also with a serious monastic education. A Western woman organized international support and Khandro-la began the work of bringing nuns top teachers and working with the Tibetan institutions and political figures that award geshe degrees to create a more level playing field for the nuns (*Tibetan Nuns*). Here, collaboration was crucial to Tibetan nuns becoming geshemas. Arguably, the most important part of this collaboration was not the Western woman's work, but Khandro-la's. Without Khandro-la's cultural sensitivity and insider knowledge, the project may very well have been a flop. Though it may have taken longer, Khandro-la likely could have made geshema degrees happen for Tibetan nuns without Napper. Yet the reverse is probably not true.

Legal sociologist Erich Steinman expresses the centrality of insider perspectives

to creating legal change in his work on Native American sovereignty laws in Washington state. In "Legitimizing American Indian Sovereignty" (2005) Steinman examines how a group of Native American tribe leaders successfully harnessed legal and extra-legal resources to improve tribal rights in Washington. What's most interesting about Steinman's research is that this group of tribe leaders was able to work from within unenforced federal laws and cultural norms to achieve an historic recognition of Native American sovereignty (Steinman 759). In a process Steinman calls institutional entrepreneurship, Native Americans, as both rights conscious and American, were able to change their status from passive to active political agents by exploiting contradictions in Americans' valuation of Native American rights and dedication to equality to their advantage (Steinman 771). Recall my discussion of group dynamics in Chapter 3. When insiders see a disjunction in their group's ideology their practice of that ideology, they are likely to intentionally violate group norms to bring the group more in line with its own fundamental views rather than leave the group. Outsiders, however, are not likely to do so (Packer 53). This tendency to want to reform a group provides yet another reason to include a wide variety of perspectives in public political discourse. If many individuals feel like respected group members, there are more people invested in making the group's politics the best they can be.

Reformers in the Tibetan nuns' movement also revalorized existing institutions to accommodate their beliefs about equality. Given their status as dedicated group members, reformers framed nuns' education in a way that worked within traditional Tibetan Buddhist fundamentals. By drawing on the importance of studying *dharma* and

the traditional reverence for all sentient beings in Tibetan Buddhism, Rinchen Khandro-la and others were able to carve out a culturally appropriate path for gender equality in Tibetan Buddhist monasticism. Not only was this reasoning difficult to argue against from within a Tibetan philosophical perspective, the intuitive nature of these reformer's claims added the powerful voices of His Holiness the 14th Dalai Lama and His Holiness the 17th Gyalwang Karmapa to their cause (Butler 193; "The Heart"). With the support of these highly influential figures, Tibetan Buddhist reformers striving for gender equality effectively made their goals part of the institutions they hope to change (Ekvall 630, Houston & Wright 218).

Steinman's institutional entrepreneurship provides a sociological basis for Martha Nussbaum's argument for culturally appropriate campaigns for justice in her book *Political Emotions*. Nussbaum argues that the efforts of normative reformers like Abraham Lincoln, Martin Luther King Jr., Mahatma Gandhi, Rabindranath Tagore, and Jawaharlal Nehru were so successful due to their ability to ground their ideas in their cultural context while critiquing it at the same time (*Emotions* 2-3, 14). Nussbaum looks to Lincoln's Gettysburg Address as an exemplar in contextual critique. Drawing on basic constitutional principles to change the way Americans think about slavery and war, Lincoln undertook "nothing less than a refounding of America as a nation dedicated to human equality" (*Emotions* 231). Though the conception of America as a nation dedicated to human equality does not seem new or radical, applying this equality to slaves was radical at the time. Re-interpreting American equality is an ongoing process that continues today with reference to race, class, gender, sexuality, and a slew of other

identities (Steinman).

According to Nussbaum, Lincoln's appeals would not have worked in another nation. Nor would an outsider have been able to come into the United States during the Civil War and argue as effectively, even if that outsider had a firm grasp of American constitutional principles. As with many other arguments, this one is hard to see from the perspective of our own cultural ambassadors, but becomes clear when thinking about cultures different from our own. Nussbaum makes her point best when she discusses Tagore's songs. While Tagore inspires idealistic pride in Indians, his highly contextual songs will not move Americans—even if they draw on the same fundamental ideals Americans hold dear. Beyond mere language barriers, the tradition of Indian literature and music speaks uniquely to individuals who share in, or have intimate awareness of, India's culture and history (*Emotions*, 14).

If you are going to convince someone, then, you must rely on their cultural assumptions, not your own. Sojourner Truth's "Ain't I a Woman" employs Christian mythology and existing gender norms as tools to subvert how 19th century white men think about race and gender. Importantly, Truth's speech does more than draw on ideas she shares with white men. Instead, Truth uses her position as both a cultural insider and outsider to appeal to what white men value most. By focusing on what is most important to her audience, Truth is able to illuminate how views these men already hold, like reverence for the Virgin Mary and notions that women ought to be delicate and pure, to promote her own identity as a woman who ought to be cared for and respected (Truth, 91).

Rawls wants reasonable people to express their views in a way that other reasonable people can understand. If someone can't express themselves in this way, reasonable people ought not to give their opinions much weight, nor should they attempt to understand their unreasonable view in the context of political conversation. Yet each of these examples illuminate how contextual communication is more effective in bringing about change than dismissing those we disagree with. By communicating with others on their grounds rather than what they deem reasonable, Rawlsian reasonable people will not only respect others as individuals, they just might be more effective in reaching their goal of creating more reasonable people.

If reasonable people are to have conversations with unreasonable people on their grounds, the content of these conversations cannot be limited to reasonable matters. Instead, emotional appeals based on comprehensive doctrines will be much more effective. In fact, Nussbaum credits emotion with Lincoln and Tagore's effectiveness just as much as she credits their skillful institutional entrepreneurship (*Emotions* 2-3, 14, 231-4). Thinkers following in the political liberal tradition might object to the use of emotion right off the bat. For those whose modern self-consciousness divides the world into good and evil kinds of doctrines, cultivating political emotions likely conjures images of aggressive or fascist states. Yet according to Nussbaum, "All political principles, the good as well as the bad, need emotional support to ensure their stability over time" (*Emotions* 3). Rawls would agree with Nussbaum that the political conception of justice must be supported by the comprehensive doctrines individuals hold dear.

Though Nussbaum sees herself as falling squarely within Rawls's theoretical

framework, I see these two lines of thinking departing in their emphasis on what public reason ought to focus on. Rawls encourages citizens to discuss the content of ideas they already reached a consensus about through the lens of language they all already seem to agree on. Nussbaum, on the other hand, encourages citizens to grapple with the disparities between their viewpoints. Rather than limiting political conversations to what is reasonable, Nussbaum's project encourages disagreement followed by attempts to understand and relate to those who do not share our point of view. In fact, Nussbaum looks to World War II as evidence that we must explicitly employ emotions in the public sphere rather than allowing these persuasive techniques to be the domain of fascist dictators. By failing to utilize appeals firmly rooted in particular comprehensive doctrines political liberals cannot compete with ideologies employed by their adversaries (*Emotions* 222).

Just as in her discussion of contextual change, however, Nussbaum states that public emotion must be attentive to the place, time, and culture of any given society (*Emotions* 381). For Nussbaum, it is the emotions involved that make cultural context so important. Different histories lead to different comprehensive doctrines which, in turn, lead to different emotional responses. It is these emotions that make it so that cultural insiders are better at explaining the same content to a group than cultural outsiders. This insider privilege is why Abraham Lincoln or Martin Luther King Jr. are better suited to convince Americans of an evolving notion of equality than Tagore or Nehru would be.

But if cultural insiders are best at changing others' minds, what is the role of outsiders? Would it even be worth a Rawlsian reasonable person's time to try to talk to

an unreasonable person? There are many answers to these questions. First, culture is not the same as a comprehensive doctrine. Two individuals with the same cultural background could have disparate comprehensive doctrines. In this way, a Rawlsian reasonable person could draw on cultural elements an unreasonable person may adhere to in order to craft an argument that might persuade the unreasonable person. Moreover, just as Nussbaum indicated that an American could come to appreciate Tagore's music over time, so too could individuals learn about each other's comprehensive doctrines in order to make arguments from within them (*Emotions* 100). This is only possible, however, if comprehensive doctrines are fair content in political discussions.

Moreover, just because social and political movements work best when administered by insiders with intimate knowledge of how to navigate their culture does not mean outsiders ought to stay out of the picture altogether. As we saw in the Tibetan nun's movement, outsiders may be an important source of normative ideas, even if they aren't in the best position to implement them in a particular society. In this example, outsiders were best suited to provide commentary and alternative arguments while leaving the work of implementing new normative ideas to cultural insiders.

In Rawls's conception, there isn't room for ideological outsiders. Amartya Sen, however, claims public spheres ought to include outsiders as informants in political discourse. Sen's *The Idea of Justice* (2009) draws heavily on Adam Smith's impartial spectator as detailed in Smith's *the Theory of Moral Sentiments* (1759). According to Smith, spectators' detachment from political issues gives them a unique clarity on how foreign political questions ought to be handled (Smith 27). Nussbaum and Steinman's

arguments indicate that spectators are not in the best position to make political decisions, particularly decisions regarding implementing new normative ideas.

Smith states that any act that "every indifferent person would rejoice to see executed" ought to be carried out (Smith 27). For Sen, however, the impartial spectator's opinion carries less weight. Sen asserts that there isn't one version of justice that is superior to any other in the public sphere.[11] Due to the lack of inherent superiority of any one viewpoint, every political doctrine ought to be included in public reason. Sen's view does not indicate that an outside view is necessarily better but rather asserts that outside viewpoints might be relevant "either because their interests are involved, or because their ways of thinking about these issues throw light on particular judgments—a light that might be missed in the absence of giving those perspectives an opportunity to be aired" (*Idea* 44).

Of course, the impartial spectator is not actually impartial. Though spectators may be removed from the cultural, social, and political contexts of an issue, it is just as important to recognize their positionality as it is to recognize the positionality of cultural insiders. As I stated earlier, inescapable positionality does not preclude individuals from having or expressing legitimate arguments in the public sphere. Rather positionality ought to be taken into account, explored, and, when necessary, critiqued.

Both Sen and Smith point to the impartial spectator's partiality in their respective works. For example, part of the reason Sen thinks the spectator's opinion is important is

[11] Sen's work relies heavily on a Rawlsian notion of reasonability. Sen states that no one reasonable version of justice is superior to any other reasonable version of justice. I have already discussed this issue at length and reject reasonability as a way to classify political doctrines.

exactly because they come from a different tradition of situated knowledge (*Idea* 45). Smith, on the other hand, values the spectator's ideological particularity because it draws on the kinds of emotions I mentioned earlier. According to Smith, it is the spectator's emotional response that causes them to become interested in other communities' political issues to begin with. On Smith's view every human being has a capacity for compassion, making it a prime way to motivate persons to act. In fact, Smith thinks compassion's universal hold on persons is so obvious that it does not require any kind of explanation or proof (Smith 3). Dawes echoes this sentiment. Though Dawes doesn't state that compassion is universal, he indicates that compassion "doesn't need to be natural, neurally programmed, or God-given to have force" we can harness to create change (Dawes 198).

Nussbaum shares Smith and Dawes's affinity for compassion as a political motivator, though she does not share Smith's dismissal of the need to explain or prove compassion's hold on persons. According to Nussbaum, compassion is defined by four factors: seriousness, nonfault, similar possibilities, and eudaimonistic thought. Nussbaum states that persons only feel compassion when they take another's suffering to be substantial, important and not chosen or self-inflicted. Moreover, a person feeling compassion often does so because they think the suffering person is in some way similar to themselves and shares vulnerabilities with themselves. Lastly Nussbaum thinks compassion is usually felt when the person feeling compassion takes the other's suffering to be important not only to the sufferer, but also to themselves. On Nussbaum's view, all major emotions are eudaimonistic in that they focus on persons' most valued goals and

projects. While seriousness and nonfault are essential to compassion, Nussbaum states, similar possibilities and eudaimonistic thought are not required in every instance of compassionate emotion ("Compassion" 234-6, *Emotions* 142-144). Yet it is these latter two, especially eudaimonistic thought, that compels outsiders to take an interest in the political well-being of others. For this reason, compassion ought to be included as an important and legitimate motivator for spectators to enter into others' public spheres.

Nussbaum recognizes that compassion, like political emotions generally, may not be trusted by political liberals. Instead political liberals, following in the western secular tradition will likely assert that "impartial motives based on ideas of dignity and respect" ought to determine entrance into the public sphere of another ("Compassion" 231). Nussbaum worries, however, that respect is not a substantial enough motivator to bring persons to action in the political realm. Here Nussbaum draws on Aristotle's critique of Plato's *Republic*. According to Aristotle, impartial motives do not carry the kind of urgency necessary to motivate persons to take responsibility for others. Emotional responses and eudaimonistic ties, however, cause persons to feel a greater sense of duty toward those around them ("Compassion" 232, 241-2). "Without these," Nussbaum states, "the public culture remains wafer-thin and passionless, without the ability to motivate people" (*Emotions* 43). Smith agrees. In *The Theory of Moral Sentiments* Smith states that persons most basic obligation is to act according to a compassion-based justice (Smith 114). By drawing on this duty we can encourage spectators and citizens alike to bring their disparate personal and political doctrines into the public sphere to participate in a rich public reason aimed at resolving political issues. We cannot, however, do so in

a Rawlsian public sphere. Rawlsian reasonability does not leave room for spectators or the kind of personal doctrine-dependent material that would inspire spectators to act.

Yet compelling individuals to act on compassion is not always ideal. For example, compassion may be misplaced causing a spectator to attempt to fix a situation that was better left alone. Or, even when compassion rightly identifies injustice, how spectators might attempt to remedy this injustice may only exacerbate the problem. More than that, however, spectator's compassion carries with it its own set of ethical considerations. As Smith alluded, compassion is a particularly good motivator because of its centrality to people's lives. Nussbaum takes Smith's assertion one step further. According to Nussbaum compassion, in its most compelling form, is eudaimonistic. Here a eudaimonistic emotion is one that is based on an individual person's take on what it means to flourish (*Emotions* 11).

Compassion's eudaimonistic quality presents two issues for Nussbaum. First, compassion causes persons to equate others' life purposes with their own. We feel compassion when we see another person somehow missing out on the kind of life we value, not necessarily when they are unable to achieve the kind of life they want for themselves ("Compassion" 230). By identifying this similarity we run the risk of reducing the other's action-worthiness to their similarity to ourselves rather than their own intrinsic value. Smith echoes this sentiment. According to Smith, we cannot entirely sympathize with another without approving of their feelings as suitable and consistent with our own (Smith 14-15).

Our need to identify with the other to feel the kind of compassion that will propel

us to act brings us to Nussbaum's second worry about eudaimonia: the 'circle of concern'. If someone is going to demand our attention, Nussbaum claims, our sense of well-being must be somehow damaged by another's suffering. "If distant people and abstract principles are to get a grip on our emotions, therefore, these emotions must somehow position them within our circle of concern, creating a sense of 'our' life in which these people and events matter as parts of...our own flourishing" (*Emotions* 11).

Yet how does a remote person or event become an essential part of our individual eudaimonistic concerns? According to Dawes the answer lies in our understanding of these persons or events as individuals themselves. While bystanders are less likely to be moved by anonymous appeals like objective reports and statistics, they are more likely to respond to outsiders' needs or claims when their identity is recognizable (Dawes 121). In a study published by Australia's Victoria Law Foundation last year, Rachel Ball the Human Rights Law Center Director of Advocacy and Campaigns conducted a series of interviews with individuals involved in research and advocacy in a range of legal and rights-based organizations around the world. Ball found that personal "stories are central to effective advocacy". More than just raising awareness, however, Ball claims "empathy and understanding lead to better advocacy outcomes" (Ball 12). Ball's informants claim emotional appeals bring about better policies because the kind of evidence they illicit portrays the complexity and humanity behind rights issues—a complexity and humanity that often gets left out of cold, hard stats and other 'serious' information (Ball 12-13). Rawlsian reasonability is not simply an ineffective mode of communication and orientation toward justice. The Rawlsian public sphere might

actually keep out information critical to making decisions about justice.

Storytelling is nothing new in human rights work. In fact, according to Lynn Hunt, storytelling was what spurred the human rights movement in the first place. Hunt claims social and political change happen as the result of persons perceiving that they have had similar experiences. Human rights as a change in social and political ideology came about when persons perceived that they all had something in common—humanity. Though persons' common humanity might seem obvious now, Hunt claims this idea did not gain widespread acceptance in the West until epistolary novels entered the scene in the 18th Century. Novels allowed persons to view others in a whole new light. By reading literary characters, persons were able to gain an intimate glimpse into the lives of remote individuals they might never otherwise have access to. Echoing Nussbaum's 'similar possibilities' requirement for compassion, Hunt states that a critical element in this intimacy is the act of imagination where the reader inserts themselves into the character they are reading, empathizing with a character who is at once self and other. This act of insertion was particularly powerful with characters that were radically different from themselves. For the first time upper class men were able to imagine themselves as women or their drivers. Through reading individuals came to the conclusion that all persons, no matter what their gender or social class, shared in an equality of interior emotions (Hunt 34, 40, 55, 59-60) In order for these stories to be taken seriously in the political sphere, however, we must have a political culture that values partial, personal stories rather than dismissing them as inadequate or overly-biased evidence. Before this can happen we must craft a public sphere that is respectful and

trusting of others' partial views.

Yet Hunt's assertion that the reader inserts themselves in the character in some way brings us right back to Nussbaum's worries about eudaimonistic emotions. Dawes's *Evil Men* also raises several objections to using compassion as a basis for action. First, Dawes asserts that while altruistic responses to others' hardship helps others, it also involves self-serving interests to meet one's own needs, and, as Nussbaum would say, further one's own goals (Dawes xii). Dawes worries that in addition to replacing the other with our own interests as an extension of ourselves, we may begin to see the objects of our compassion as just that—objects. For Dawes, the danger of seeing victims of injustice "exclusively through their experience of pain" has the power to be just as dehumanizing as replacing them with our own interests (Dawes 213).

The paradoxical relationships between persons feeling compassion and the object of their compassion are complex and ought not to be dismissed outright. Yet perhaps these offenses may admit of degrees depending upon the scale of spectators' actions. Recall my claim that institutional changes—particularly cultural ones—come best from within. On my view, spectators' roles are not to enact change, but rather to introduce new ideas into remote public spheres or encourage others to do so. If so-called-others are not subject to paternalistic constraints as to which ideas they incorporate or how they choose to do so, spectators' involvement may be less commandeering and more respectful.

Dawes also worries about the effectiveness of compassionate storytelling as a strategy for getting spectators' attention. According to Dawes overloading spectators

with stories of grave injustices could lead to what he calls 'story fatigue', not action. Story fatigue is a phenomenon whereby spectators become overwhelmed by the amount of injustice in the world and choose to tune out compassion-evoking stories rather than allowing themselves to be drawn in to them (Dawes 12). Dawes's concern lies not only in how spectators might tune out far-off concerns, but also in their ability to compassionately respond to crises in their own communities. Dawes writes:

> Perhaps empathy isn't so much like a muscle that can be trained as capital that can be overspent. We spend our empathy on war photographs, or on fictional people, caring anxiously for them and leaving nothing for those whose lives we can actually touch. (Dawes 209)

Though the risk of story fatigue is certainly concerning, it may be a risk we have to take in pursuit of a more just world. Just as my position encourages an openly partial public sphere, the same sort of self-awareness ought to be employed in how individuals chose to act upon compassionate responses to others.

Here we are presented with a paradox. On the one hand, compassion may be the best way to propel spectators to offer their opinions in the public sphere. Spectators play a critical role in introducing new perspectives into public discourse. On the other hand, compassion might reduce the other to an extension of ourselves, or even ignore individuals' sufferings we perceive as not similar enough to our own. According to Nussbaum we must rely on compassion despite its difficulties because, well, it's the best vehicle we have to connect outsiders to peoples' suffering. But where ought we draw the line? How far ought spectators take their compassionate desire to relinquish injustice? Given spectator's tendency to essentialize the other and act in inappropriate ways, it might be best if spectators merely express their views without acting on them in a foreign

culture. Recall Tibetan nuns' success in obtaining support from the Tibetan community in their pursuit to take geshe examinations. The Tibetan nuns' eventual success was rooted in a negotiation between their position as cultural insiders in the Tibetan community and their access to outside ideas.

It's hard to believe that merely accessing spectators' ideas will bring about meaningful change. But Solomon Asch's social conformity experiments tell a different story. In the experiments, participants were placed in a room with a group of actors whom the participant believed were fellow participants. All of the people in the room were asked to compare a series of lines' lengths. While it was obvious which lines' lengths matched, the actors in the group were frequently asked to identify matching sets incorrectly. Asch found that participants would echo the group's obviously false responses roughly 3 out of four times. The Asch experiments indicate that people who dissent from group sentiments may remain silent and complicit in group dialogues. In fact, Rawls counts on this very same phenomenon to transform unreasonable people into reasonable ones by coming into contact with a political culture dominated by reasonability. But, when just one other person dissented from the group's incorrect responses, Asch's participants answered incorrectly 75% less of the time than they did without the 'truth-teller'. Participant's answers continued to depart from group sentiments even after the 'truth-teller' left the room (Asch 177-190, Dawes 56, *Emotions* 192). Asch's participants' confidence in expressing their contradictory views when supported by just one other person indicates that remote spectators' ideas might have the power to encourage dissenters to express their views.

By introducing or supporting dissenting ideas, spectators play a critical role in the shape of the public sphere and the kids of partial rankings and just outcomes that might come out of it. Of course, these exchanges cannot happen when interaction between insiders and spectators is cut off or seriously jeopardized. Drawing on Kant Nussbaum claims that a "strong legal protection" of freedoms of speech, dissent, and the press are foundational to compassionate discourse (*Emotions* 256). While Nussbaum's work focuses on domestic policies, the sentiment can be expanded to global cross-cultural discourse reminiscent of Kant's work in *Perpetual Peace*.

More than just removing institutional barriers, however, political culture ought to encourage persons to express partial views not supported by the majority. If political discourse is limited to a particular set of views and a particular way of expressing them, new ideas will likely be excluded from the set of legitimate views. Substantially including dissenting opinions does not mean a political culture must be "neutral or halfhearted about its own core values" (*Emotions* 389). According to Nussbaum, the majority's views could only threaten freedom of expression by suppressing divergent opinions. Nussbaum is right to claim that political cultures ought to stand for something (*Emotions* 391). Yet her vision of suppression might be different than my own. It seems Nussbaum's views would align with Rawls's in that active suppression is the only kind of condemnable act a majority could commit. If members of a dominant political culture do not recognize their positionality, however, they may suppress dissenters by simply ignoring them. Nussbaum claims we ought to "invite, not coerce" persons to our perspective (*Emotions* 388). As we have seen throughout this paper, extending a genuine

invitation involves respecting other points of view as legitimate claims to truth. Only when others feel they are being taken seriously can we include them in a conversation that they, in turn, will take seriously.

Asking the political culture to change so drastically from a polarized, suppressive environment where persons listen to their ideas bounce in echo chambers to an openly partial compassionate discourse will take time and considerable effort and self-awareness. This is not to say that such a goal is unworthy of our time and attention. Particularly given the possibilities such open partiality produces to negotiate justice over time, societies with adequate freedom of expression ought to work toward incorporating spectators' views into their political discussions, whether those spectators come from near or far cultural, ideological, or geographic positions. Open partiality in the political sphere is also important due to the political sphere's ability to constitute the rules of discourse in all spheres of public and personal life. As we saw in the first chapter, persons in positions of political power determine what is reasonable in a given society. The coercive force of institutionally legitimated ideologies gives us good reason to ensure that free expression is protected from institutional restriction as much as possible.

While it is important to focus on cultivating open partiality, freedom of expression necessary as a precondition to this paradigm is far more urgent. Without this freedom of expression, insiders will not be motivated to share their stories and spectators will not have the opportunity to feel compassion, let alone express their views in a forum where insiders might access them. Each of these processes are critical to bringing about justice and successfully introducing human rights into a society in a culturally

appropriate, sustainable manner without asking societies to reinvent the wheel over and over again.

Freedom of expression must come first in a line of reforms aimed at making societal or cultural groups' ethical norms more in line with our own. Once domestic and international freedom of expression is instituted, societies have access to all the ethical discourse the world has to offer. Moreover, citizens can share their thoughts and opinions among themselves, and with the outside world. Here citizens can contribute to forming other's ethical ideas and can benefit from spectators commenting on their own norms. In this way, we ought to value freedom of expression not only for its key role in respecting persons and deliberative democracies. Instead of relying on these two common justifications of uninhibited public spheres, we ought to look at our reasons for valuing respectful discourse. If we examine the root of our affinity for freedom of expression I believe we will find the kind of cross-cultural change I detailed in this chapter. We value the public sphere not as a good in itself but rather as a stepping stone in creating a more just world. The road to bringing about the kind of public political sphere I envision will be a rocky one. Yet, like Rawls's realistic utopia, I claim that my vision of a political discourse where individuals express their partial views and are open to others' partiality is worth striving for, even if we never actually reach the finish line.

In conclusion, I would like to state the obvious. This paper too is partial, rooted in various comprehensive doctrines, and ought to be taken as a mere contribution to the discussion on how we might best frame public discourse. I encourage you, the reader, to question my assumptions, tear apart my views, and offer new solutions. In fact, the spirit

of this paper asks nothing less.

References

MICHAEL TOLD
ME ABOUT THIS
THEORY CALLED
DETERMINISM,
AND IT IS WEIRD

- S. Roggenbuck

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